THE Public Interest

NUMBER 119, SPRING 1995, PRICE: $6.50

Assimilation's Quiet Tide

Richard D. Alba

Educational Outcomes Do Matter	***Bruno V. Manno***
Recycling: Myths and Realities	***Roger Starr***
The Politics of Public Pension Funds	***Roberta Romano***
Premodern Advice for the Postmodern Young	***Steven Ozment***
Mainstreaming Kwanzaa	***Anna Day Wilde***

SPRING BOOKS SUPPLEMENT:

REVIEWS BY *Charles Logan, Walter Berns, Hadley Arkes, David Brooks, Hugh Heclo, Philip Selznick, Adam Wolfson, Craig Daniel Turk, Heather R. Higgins, & John W. Barry*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE Public Interest

NUMBER 119, SPRING 1995

CONTENTS

Assimilation's Quiet Tide	*Richard D. Alba*	*3*
Educational Outcomes Do Matter	*Bruno V. Manno*	*19*
Recycling: Myths and Realities	*Roger Starr*	*28*
The Politics of Public Pension Funds	*Roberta Romano*	*42*
Premodern Advice for the Postmodern Young	*Steven Ozment*	*54*
Mainstreaming Kwanzaa	*Anna Day Wilde*	*68*
Spring Books Supplement:		
Crime Stories	*Charles Logan*	*80*
Blue Movies	*Walter Berns*	*86*
Morals and Markets	*Hadley Arkes*	*91*
Freakish Thinking	*David Brooks*	*97*
The Progressive Impulse	*Hugh Heclo*	*102*
Defining Democracy Up	*Philip Selznick*	*106*
Liberalism Redux	*Adam Wolfson*	*111*
Kill All the Lawyers?	*Craig Daniel Turk*	*119*
Charitable Prescriptions	*Heather R. Higgins*	*124*
Meritocracy Defended	*John W. Barry*	*129*
Contributors		*134*

THE PUBLIC INTEREST (ISSN# 0033-3557) is published quarterly by National Affairs, Inc., and appears in Winter, Spring, Summer, and Fall issues. Its office of publication is located at 1112 16th Street, N.W., Suite 530, Washington, DC, 20036. Telephone: (202) 785-8555. If you have problems with your subscription, please call (800) 783-4903. Subscription price: $25 for one year, $42.50 for two years, $60 for three years. Add $3 annually for Canadian and foreign subscriptions (via surface mail). To receive back issues, please send a check for $7.50 per issue to the office of publication. Unsolicited material cannot be returned unless accompanied by sufficient return postage. Second-class postage is paid at Washington, D.C., and at additional mailing offices. ©1995 by National Affairs, Inc. Postmaster: Please send all changes of address to *The Public Interest* Subscription Office, Dept. PI, P.O. Box 3000, Denville, N.J., 07834. Articles appearing in this journal are abstracted and indexed in *Reader's Guide, P.A.I.S., Historical Abstracts, ABC Pol Sci, Social Science Index, Sociological Abstracts, Academic Abstracts, Social Science Source,* and *America: History and Life,* and are available on microfilm from University Microfilms International. *The Public Interest* is printed by William Byrd Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Editors
Irving Kristol and Nathan Glazer

Publication Committee
Martin Feldstein
Roger Hertog
Harry Kahn
H. J. Kaplan
Charles Krauthammer
Glenn C. Loury
Harry McPherson
Daniel P. Moynihan
Charles Murray
Martin E. Segal
Arthur L. Singer, Jr.
Roger Starr
Irwin M. Stelzer
James Q. Wilson

Executive Editor
Adam Wolfson

Managing Editor
Craig Daniel Turk

Assistant Editor
John W. Barry

Assistant to the Editors
Karis Kercher

Consulting Editor
Eric Reis

Editorial Office
1112 16th Street, NW, Suite 530
Washington, DC 20036

Subscription Office
The Public Interest, Department PI
P.O. Box 3000
Denville, NJ 07834

Newsstand Distributors
Bernhard DeBoer, Inc.
113 Centre Street
Nutley, NJ 07110

Ingram Periodicals, Inc.
1226 Heil Quaker Boulevard
La Vergne, TN 37086

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Assimilation's quiet tide

RICHARD D. ALBA

ASSIMILATION has become America's dirty little secret. Although once the subject of avid discussion and debate, the idea has fallen into disrepute, replaced by the slogans of multiculturalism. At best, assimilation is considered of dubious relevance for contemporary minorities, who are believed to want to remain outside the fabled "melting pot" and to be, in any event, not wholly acceptable to white America.

However, assimilation was, and is, a reality for the majority of the descendants of earlier waves of immigration from Europe. Of course, it does have its varieties and degrees. Among Americans descended from the immigrants of the nineteenth and early twentieth centuries, assimilation is better viewed as a direction, rather than an accomplished end state.

Assimilation need not imply the obliteration of all traces of ethnic origins, nor require that every member of a group be assimilated to the same degree. That ethnic communities continue to exist in many cities and that many individuals identify

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with their ethnic ancestry do not indicate that assimilation is a myth. What, then, does assimilation mean when applied to American ethnic groups derived from European immigration?

It refers, above all, to long-term processes that have whittled away at the social foundations for ethnic distinctions. These processes have brought about a rough parity of opportunities to attain such socioeconomic goods as educational credentials and prestigious jobs, loosened the ties between ethnicity and specific economic niches, diminished cultural differences that serve to signal ethnic membership to others and to sustain ethnic solidarity, shifted residence away from central-city ethnic neighborhoods to ethnically intermixed suburbs, and, finally, fostered relatively easy social intermixing across ethnic lines, resulting ultimately in high rates of ethnic intermarriage and ethnically mixed ancestry.

The assimilation associated with these outcomes should not be viewed as imposed upon resistant individuals seeking to protect their cultural identities—a common image of assimilation in recent, largely negative, discourse—nor as self-consciously embraced by individuals seeking to disappear into the mainstream (though, in both instances, there may be some who fit the description).

Rather, it is, in general, the perhaps unintended, cumulative byproduct of choices made by individuals seeking to take advantage of opportunities to improve their social situations. For many white ethnics, these opportunities opened especially in the period following World War II, due to more favorable attitudes towards groups such as Jews and Italians, the expansion of higher education and middle-class and upper-middle-class employment, and the mushrooming growth of housing in suburban communities.

The decision to make use of these opportunities sometimes has greater impact on the following generations than on the one responsible for them. When socially mobile families forsake the old neighborhood, where the stamp of ethnic ways on everyday life could be taken for granted, for a suburb, it is the children who grow up in a multi-ethnic, or even non-ethnic, environment.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What's in a name

The rising tide of assimilation is illustrated by data from the most recent U.S. census (1990). A first sign is given by responses to the ancestry question, which appeared for the first time in the 1980 census. From the 1980 to the 1990 census, there were surprising changes in the way ancestries were reported. In contrast to the racial- and Hispanic-origin data collected by the census, the distributions of responses across European-ancestry categories underwent sharp alterations, which appear to correlate strongly with the specific ancestry examples offered on the census questionnaire. These ancestry examples were listed immediately below the question, and their influence on the resulting responses implies that many whites are suggestible when it comes to the way they describe their ancestry.

For instance, in 1980, "English" was among the first examples given, and 49.6 million Americans claimed English ancestry; in 1990, it was omitted from the list of examples, and the number who identified themselves as of English ancestry fell to 32.7 million, a decline of one-third. Similarly, in 1990, German and Italian were the first two ancestry examples given; though both were also listed in 1980, their positions were not as prominent. Both ancestry groups increased in number by about 20 percent between the two censuses, an increase substantially larger than that for European-ancestry categories in general. Such shifts suggest that ethnic ancestry is not a firmly anchored self-concept for many Americans, and alert us to the need to take ancestry data with a dose of caution, for the "Germans" and "Italians" of 1990 have changed in unknown ways from the "Germans" and "Italians" of 1980.

Increasing socioeconomic parity

Historically, one of the most important moorings of ethnicity has been the concentration of different ethnic groups in specific socioeconomic strata. This brings the members of an ethnic group together by circumstances other than ethnicity and gives them common material and other interests arising from their shared situations. As Nathan Glazer and Daniel Patrick Moynihan explained in their seminal book, *Beyond the*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Table 1a
Educational attainment by ethnic ancestry—men

	Cohort born 1956-1965		Cohort born 1916-1925	
	% attended college	% completed bachelor's degree	% attended college	% completed bachelor's degree
All non-Hisp. white	55.9	25.5	34.6	16.2
Solely British	66.3	31.8	46.6	23.5
German	57.6	25.9	35.2	16.0
Irish	59.4	26.5	33.8	15.4
French	52.6	21.9	32.4	14.4
Italian	61.9	30.2	25.8	12.1
Polish	61.4	32.9	29.2	14.2
All southern and eastern European	64.4	33.8	32.2	16.0

Source: 1-in-1000 Public Use Microdata Sample of the 1990 Census.

Melting Pot, "to name an occupational group or a class is very much the same thing as naming an ethnic group."

However, in recent years, there has been a growing and impressive convergence in the average socioeconomic opportunities for members of white ethnic groups. Convergence here means that the disadvantages that were once quite evident for some groups of mainly peasant origins in Europe, such as the Italians, have largely faded, and their socioeconomic attainments increasingly resemble, if not even surpass, those of the average white American.

This phenomenon is quite demonstrable for education (a convenient indicator because its level is, for the great majority, fixed by the age of 25), but it is hardly limited to this sphere. Table 1 presents the educational attainments of younger and older cohorts for the major European-ancestry categories. The data compiled in the table are limited to "non-Hispanic whites" (a population overwhelmingly of European ancestry) and to individuals born in the United States, thus avoiding any confounding with the characteristics of immigrants themselves. Though the data cannot tell us about the quality of education received, the evidence of convergence is strong.

To evaluate changes, two comparison groups are presented: one contains all non-Hispanic whites and the other individuals whose ancestry is solely from the British Isles (exclusive of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Table 1b
Educational attainment by ethnic ancestry—women

	Cohort born 1956-1965		Cohort born 1916-1925	
	% attended college	% completed bachelor's degree	% attended college	% completed bachelor's degree
All non-Hisp. white	57.7	24.6	25.1	8.7
Solely British	66.3	31.5	38.1	15.7
German	60.7	24.8	25.8	9.2
Irish	60.4	25.0	24.0	7.7
French	56.2	20.3	26.5	9.9
Italian	61.2	27.8	16.5	4.9
Polish	62.2	29.4	14.4	3.8
All southern and eastern European	64.1	31.8	19.3	6.1

Source: 1-in-1000 Public Use Microdata Sample of the 1990 Census.

the Republic of Ireland). The latter is commonly viewed as one of America's privileged ethnic groups. The other groups presented are the largest non-British groups, divided between the early-arriving groups from northern and western Europe (Germans, Irish, French, in order of size), and the later-arriving groups from southern and eastern Europe (Italians, Poles, and a separate category containing all individuals with ancestry from southern and/or eastern Europe).

In the case of each ancestry category, individuals are included in the tabulations regardless of whether their ancestry is solely or partly from the category. Limiting tabulations to individuals with ancestry exclusively from one category would, in effect, eliminate one of the important mechanisms of assimilation—growing up in an ethnically mixed family.

The groups from southern and eastern Europe are often regarded as the acid test of assimilation because of the relative recency of their arrival and the prominence of their ethnicity in American cities. For the men of these groups who were born between 1916 and 1925, moderate disadvantages are evident when they are compared to the average non-Hispanic white or to men of German, Irish, and French ancestries; the disadvantage appears more substantial when compared to men of exclusively British ancestry. For instance, only a quarter to a third of Italian and Polish men attended

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

college, compared to almost half of the British men. About one in eight Italians and Poles completed bachelor's degrees, compared to nearly one in four British men.

In the cohort born between 1956 and 1965 (whose education was largely complete by the time of the 1990 census), the southern and eastern Europeans have just about pulled even with the British men and are ahead of the average white and the men of other northern- and western-European origins. The figures for southern and eastern Europeans in general and for Poles may be affected by the extraordinary accomplishments of Jewish men (who are nevertheless minorities of these categories), but the same argument cannot be made in the case of the Italians.

The process of convergence is also quite striking among women. For predominantly rural immigrant groups, like the Italians and Poles, the education of daughters was of secondary importance compared to the education of sons. In the older cohort, British women had rates of college attendance and graduation more than twice those of their Italian and Polish contemporaries. This disparity has been largely eradicated in the younger cohort: Italian and Polish women are slightly behind British women in college attendance and graduation but tied with, if not slightly ahead of, the average non-Hispanic white woman as well as those of German, Irish, and French ancestries. The younger women in the general southern- and eastern-European category have above-average educational attainments that are similar to those of British women; this parity represents a marked improvement over their situation in the older cohort.

Decline of European mother tongues

Declines in overt cultural differences are a second component of assimilatory change. In census data, these are measurable in terms of the languages spoken in the home. Communication in a mother tongue marks a social boundary, which includes those who share the same ethnic origin and can speak its language and excludes all others. In addition, many aspects of ethnic culture that are embedded in a mother tongue are diminished or lost as exposure and fluency wane.

All available evidence reveals a powerful pattern of conver-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Table 2
Language at home by ethnic ancestry

	Cohort born 1976-1985 % speak other than English	Cohort born 1916-1925 % speak other than English
All non-Hisp. white	3.5	6.1
German	2.2	2.9
French	3.3	13.4
Italian	4.0	19.4
Polish	3.5	24.2
All southern and eastern European	5.1	19.8

Source: 1-in-1000 Public Use Microdata Sample of the 1990 Census.

sion to English monolingualism within three generations, from which only a small minority of any group escapes (a pattern first established by the sociologist Calvin Veltman). Consequently, the use in the home of European mother tongues (other than Spanish), and even exposure to them, have dropped off quite precipitously among those with southern- and eastern-European ancestries. Many older members of these groups spoke these languages in the immigrant homes and communities where they grew up. Data collected by the Census Bureau's Current Population Survey in the late 1970s show that three-quarters of southern- and eastern-European ethnics born in the United States before 1930 grew up in homes where a language other than English was spoken.

The situation for younger members of these and other groups, as depicted in the 1990 census, is presented in Table 2 (which omits the English-speaking ethnic categories). The younger cohort contains individuals who were between the ages of five and fourteen in 1990 (the census does not record the language of children under the age of five). In general, 95 percent or more of the children in each ethnic category speak only English at home. There are scarcely differences to be noted among the categories, except perhaps for the slightly higher percentage of German children who speak English only.

Speaking a mother tongue at home is more common among the older members of these groups. Germans are still an exception, testifying to the deep impact of wartime hostility on the survival of German culture in the United States. For the Italians, Poles, and other southern and eastern Europeans,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

about 20 percent of their older members continue to speak a mother tongue, presumably on a daily basis. The figure is nearly as high for the French. Of course, still higher percentages spoke mother tongues during their childhoods. A major transition in language is evidently underway.

Qualifiers, however, should not be overlooked here. Perhaps fluency in a language is not required for it to serve an ethnic purpose; the use of words and phrases from a mother tongue, interspersed in English conversation, can signal an ethnic loyalty to others. This sort of knowledge cannot be measured from census data, but it does seem plausible that, where languages cease to be everyday means of communication, knowledge of words and phrases will drop off, too. Also, it is impossible to measure from census data the number of individuals who acquire a mother tongue through schooling or other formal instruction. Yet, given the generally sorry record of Americans' mastery of foreign languages, one would not want to depend too much on this source for cultural support.

The declining ethnic neighborhood

Educational and occupational mobility and language acculturation, combined with the potent catalyst of competition with racial and new immigrant minorities over urban turf, have spurred residential changes. These have brought many white ethnics out of inner-city ethnic neighborhoods and into suburban settings, where ethnic residential concentrations tend to be diluted, if they exist at all. As a result of the continued visibility of surviving ethnic neighborhoods, some of which have become meccas for those seeking an "authentic" ethnic experience, the magnitude and implications of residential shifts are less appreciated than they should be.

In depicting residential shifts, I will switch from the trends in aggregate national census samples to the changes in a single but special geographic context, the Greater New York metropolitan region. This broad swath of cities and suburbs, covering 23 densely settled counties stretching from the Hudson Valley and Long Island in New York to the New Jersey shore, was home to 17 million people in 1990. Examining residential patterns in a single region avoids the risk of decontextualizing residential situations and losing sight of their location in rela-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion to ethnic communities. No doubt due to the New York region's historic role as a gateway for immigrants, white ethnic communities continue to play a visible role in its ethnic geography. If such communities are important anywhere, they are sure to be so here.

Three large groups—Germans, Irish, and Italians—are used to trace residential patterns. Each has between two and three million members in the region, according to both 1980 and 1990 census data, and has figured in significant ways in the region's ethnic neighborhoods in the past. However, based on their histories and the results of past investigations (such as *Beyond the Melting Pot*), the Germans could be expected to be the least residentially distinctive (i.e., with the fewest ethnic areas), while the Italians should be the most.

In fact, all of these groups are now found mainly in the suburban parts of the region, where ethnic residential concentrations are demonstrably thinner (though not nonexistent). By 1980, the Germans and Irish were already disproportionately located in suburbs: roughly three-quarters of both were outside central cities, compared to two-thirds of all non-Hispanic whites (but just one-quarter of Hispanics and nonwhites). Moreover, in suburbia, the residential distributions of the Germans and Irish are barely distinguishable from that of other non-Hispanic whites. In other words, these groups are residentially intermixed.

The Italians present a different, but more dynamic, picture. In 1980, they were slightly less likely to be found in suburbs than the average white (64 percent versus 66 percent), but during the 1980s their numbers in large cities fell while rising in the suburbs. By 1990, 70 percent resided in suburbs. While they were still not as suburbanized as the Germans and Irish, they were more so than the average non-Hispanic white. For the Italians, too, suburban residence means a greater probability of living in an ethnically diverse community.

Ethnic exodus

This picture gains further credibility when it is taken to the level of specific ethnic neighborhoods. To accomplish this, John Logan, Kyle Crowder, and I have identified the region's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ethnic neighborhoods in 1980 and 1990 census data as clusters of census tracts where any of the three groups has an above-average concentration (operationally defined as 35 percent or more of the population).

For the Germans and Irish, these neighborhoods are, generally speaking, few and small; only tiny fractions of each group could be considered to reside in them (just 4 percent of the Irish in 1990, for instance). For the Italians, however, there are a number of these neighborhoods, some of which are quite large and most of which take on familiar outlines, identifiable with well-known Italian areas (such as Brooklyn's Bensonhurst). Nevertheless, it is still the case that just a minority of the group—a quarter in both 1980 and 1990—resides in Italian neighborhoods.

The Italian neighborhoods, moreover, underwent substantial changes during the 1980s. The outflow of Italians from the region's large cities especially drained inner-city ethnic neighborhoods. Bensonhurst was the largest contiguous Italian area in 1980, home to nearly 150,000 persons of Italian ancestry. By 1990, it had shrunk in its Italian population to less than 100,000, while also diminishing in spatial extent. Most other inner-city Italian neighborhoods also lost population, though not on such a dramatic scale. In effect, this outflow removed Italians from their most ethnic neighborhoods.

The suburban areas with growing numbers of Italians are very different in character. In the first place, the great majority of suburban Italians reside outside of anything resembling an ethnic neighborhood. Moreover, population growth bypassed inner-suburban ethnic neighborhoods, such as the Italian areas of Yonkers, and insofar as growth was funneled into outer-suburban areas of Italian concentration, these are not very ethnic, as measured for example by the number of residents who are intermarried.

In sum, even in the New York region, the ethnic mosaic *par excellence*, trends favor the further residential assimilation of white ethnic groups. The Irish, long a prominent ethnic group in the region, are already residentially intermixed. The Italians, some of whose ethnic communities are still conspicuous, reside mostly in non-ethnic areas, and their continuing suburbanization is eroding the most ethnic Italian neighborhoods.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The intermarriage melting pot

Intermarriage is usually regarded, with justification, as the litmus test of assimilation. This remains true even if marriage can no longer be taken for granted as a lifetime commitment. A high rate of intermarriage signals that individuals of putatively different ethnic backgrounds no longer perceive social and cultural differences significant enough to create a barrier to a long-term union. In this sense, intermarriage could be said to test the salience, and even the existence, of a social boundary between ethnic categories. Moreover, intermarriage carries obvious and profound implications for the familial and, more broadly, the social contexts in which the next generation will be raised. Its significance in this respect is not much diminished by a high rate of divorce because the children of divorces usually carry on close relationships with both sides of their families.

Among whites, intermarriage has advanced to the point where a substantial majority of marriages involve some degree of ethnic intermixing. In 1990 census data, more than half (56 percent) of whites have spouses whose ethnic backgrounds do not overlap with their own at all (included in this count are spouses whose ethnic ancestries are described as just "American" or in some other non-ethnic way). Only one-fifth have spouses with identical ethnic backgrounds. The remainder, not quite one-quarter, have spouses whose ancestries overlap their own in some respect but differ in some other. Of necessity, one or both partners in these marriages have mixed ancestry (as when, for instance, a German-Irish groom takes an Irish-Italian bride).

Intermarriage has had an especially deep impact on the groups from southern and eastern Europe. This is partly because their smaller size (in comparison, say, with the German ancestry group) makes them more vulnerable to what is called "out-marriage." It may also be due to their concentration in regions of the nation where ethnic diversity is greater among whites (the Northeast compared to the South, for instance), increasing the likelihood that they will have close relationships with individuals of diverse backgrounds.

Intermarriage patterns are displayed in Table 3 for the seven largest ancestry categories of whites. It shows that, among

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Table 3
Marriage patterns of major ancestry groups

Ancestry groups (in order of size)	Cohort born 1956-1965 Spouse's ancestry: % entirely from group	% partly from group	% not from group	Cohort born 1916-1925 Spouse's ancestry: % entirely from group	% partly from group	% not from group
German	22.6	25.6	51.8	26.3	21.3	52.4
Irish	12.7	22.4	64.9	20.1	21.0	58.9
English	17.7	20.4	61.9	24.0	24.7	51.2
Italian	15.0	11.7	73.3	49.2	2.4	48.3
French	12.1	10.0	77.9	13.2	13.0	73.9
Scots/Scots-Irish	7.0	10.8	82.1	11.9	12.8	75.4
Polish	7.6	8.3	84.1	36.0	3.9	60.1

Source: 1-in-1000 Public Use Microdata Sample of the 1990 Census.

those aged 25 to 34 in 1990, a majority of each category had married unambiguously outside of it, with out-marriage being more common among the smaller ethnic groups.

For the large, long-established categories (English, Germans, and Irish), marriages to individuals whose ancestry is partly from the group figure prominently in the pattern and help explain why the incidence of unambiguous out-marriage is not greater. Perhaps some of these marriages, where there is an ethnic ingredient in common, deserve to be viewed as in-group marriages. However, in the majority of cases, both spouses have ethnically mixed ancestry and share only one ethnic element in common. Thus, they should probably be viewed as akin to intermarriages, even if not so in the strictest sense.

Intermarriage has attained, by any standard, very high levels among the Italians and Poles, the two groups in the table from southern and eastern Europe. Close to three-quarters of the younger Italians have spouses without Italian ancestry; for Poles, the equivalent figure is higher still. However, marriages involving spouses who both have some ancestry from these groups is higher than it would be if marriage were "random" with respect to ancestry, and there is some sign that the increase in intermarriage may be leveling off. A likely forecast is that intermarriage will continue at high levels but that a significant minority of each of these groups will continue to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

look within for marriage partners.

The rising tide of intermarriage is sweeping over religious barriers as well. This is demonstrated most tellingly by the surge of intermarriage among Jews since the 1960s. Data from the 1990 National Jewish Population Survey reveal that 57 percent of Jews marrying since 1985 have married partners raised in other religions. Just two decades earlier, the figure had been only 11 percent. The consequences of Jewish-Gentile intermarriage are still debatable, at least in principle, because of the possibilities of the non-Jewish spouse converting or of the children being raised as Jewish. However, the data suggest that neither possibility characterizes a majority of intermarried couples. Besides, even if these possibilities were the rule, they do not diminish the import of the fact that religious origins are playing a lesser role in the choice of a spouse than they once did.

An obvious consequence of intermarriage is ethnically mixed ancestry, which holds potentially profound implications for ethnic groups. Though the mere fact of mixed ancestry is certainly no bar to ethnic feelings and loyalties, it is likely to reduce their intensity, especially because most individuals with mixed ancestry are raised with limited exposure to ethnic cultures in their most robust form.

Marriage across racial lines

What is unfolding among whites through intermarriage resembles, then, the proverbial melting pot, but with mainly European ingredients to this point. It is still the case that just a small proportion of marriages by whites (2 percent) are contracted with Hispanics or with nonwhites. The vast majority of their intermarriages, in other words, involve individuals of European ancestries only (the most notable exception being the nontrivial fraction of whites who claim some American-Indian ancestry, typically mixed with European).

Lower rates of racial intermarriage are partly a result of residential segregation, which particularly affects blacks and new immigrant groups, and partly a consequence of the reluctance of many whites, the largest pool of potential marriage partners, to accept a nonwhite or Hispanic spouse. No doubt, there is also a greater desire on the part of many minority-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

group members to find husbands and wives from their own groups. For the new immigrant groups, from the Caribbean, Latin America, and Asia, the overall intermarriage rate is also driven down by their concentration in the first and second generations, where intermarriage tends to be lower in general.

The extreme case is that of African Americans ("non-Hispanic blacks" in census terminology). According to 1990 census data, just 4 percent of African Americans have married outside their group. However, this figure hides an important and long-standing gender discrepancy: intermarriage is considerably more prevalent among black men than among black women (6 percent versus 2 percent). For both sexes, most intermarriage takes place with non-Hispanic white partners.

Hispanics on the whole exhibit considerably higher, but still modest, levels of intermarriage, even in the second generation. Seventy percent of U.S.-born Hispanics are married to other Hispanics, mostly to individuals of the same national origin. In the Hispanic case, there is no gender gap in intermarriage. Its frequency does, however, vary considerably by specific group, and the total for Hispanics overall is influenced especially by the high rate of endogamy on the part of the largest Hispanic group, Mexican Americans.

Intermarriage is only a bit more common among U.S.-born Asians overall, two-thirds of whom marry other Asians. As with Hispanics, this total disguises substantial variation by specific national origin and is heavily affected by a high level of endogamy in one group, Japanese Americans, who form the largest contingent among U.S.-born Asian adults.

American Indians bracket the intermarriage spectrum at the high end. More than half have married outside the American-Indian population; the great majority of their intermarriages are to non-Hispanic whites. However, since American Indians represent less than 1 percent of the national population, their intermarriage tendency does not have a great influence on the total pattern.

The predominantly European cast to the contemporary melting of ethnic lines through intermarriage may be changing, at least to some degree. One indication is the higher-than-average frequency of marriage to Hispanics or nonwhites on the part of younger non-Hispanic whites. Among those in the 25

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to 34 age group, close to 4 percent have married minority-group members; though still low in absolute terms, this figure represents a measurable increase over past levels.

Rising intermarriage with racial minorities is having its most dramatic effects among African Americans, as the demographer Matthijs Kalmijn first documented (in the September 1993 issue of the journal *Social Forces*) with an analysis of marriages for the two-decade period following the Supreme Court's 1967 invalidation of the last anti-miscegenation law. In 1990 census data, 10 percent of 25- to 34-year-old black men have intermarried, most with white women. This figure, while obviously not high, nevertheless represents a stunning upward shift from the historical level. The change has not been as striking for black women, but the level of intermarriage has risen among younger black women to nearly 4 percent.

Intermarriage involving members of groups from new immigration is virtually certain to increase in the near future, as the ranks of their second- and third-generation adults swell. Yet, whether marriage across social boundaries defined by non-European ancestries will attain the acceptability—indeed the unremarkableness—that intermarriage appears to have attained in the case of European ancestries remains to be seen.

Assimilation's continuing relevance

The assimilation trends tracked by the census can, to be sure, appear somewhat crude, lacking the nuanced *chiaroscuro* of personal experience where ethnicity may still be present. Nevertheless, taken together, these trends convincingly show that the social bases for ethnic distinctiveness are eroding among Americans of European ancestry. Indeed, the erosion would continue even if the trends were to come to a halt. As older, currently more ethnic generations are replaced by their children and grandchildren, who are less ethnic on average, the groups as a whole become less ethnic.

Decline, however, does not mean disappearance, certainly not in the foreseeable future. The overall picture is mixed, with the proportions of the different elements—i.e., "assimilated" versus "ethnic," to portray them in their extremes—shifting in the assimilated direction.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A larger question, and an unanswerable one for the moment, concerns the relevance of the European-American experience of assimilation for non-European minorities. Even if one narrows the question by accepting that assimilation is probably most relevant for immigrant groups, as opposed to those whose entry to American society was coerced by enslavement or conquest, the conditions of contemporary immigration are sufficiently different from those prevalent in the past that generalizations based on earlier experience are open to doubt.

Currently, we lack good theories and hard-and-fast empirical knowledge about the genesis of European-American assimilation. To what extent does it reflect persisting forces in American society—the lure of opportunities in the mainstream economy, for instance, or the permeability of ethnic boundaries in a society populated largely by immigration? To what extent is it the product of historically unique events and conditions, such as the period of economic expansion following World War II or the virtual shutdown of immigration after 1930, which prevented the renewal of ethnic communities through continuing immigration? To what extent is it restricted to those with European ancestry and white skin? Without answers to these questions, we will have to wait to observe the trajectories of new immigrant groups to assess the ultimate relevance of assimilation for them. Yet, one has to suspect that assimilation is far from a spent force.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Educational outcomes do matter

BRUNO V. MANNO

PRESCRIBING learning results that all American students must master—a project known as outcome-based education (OBE)—has become the subject of one of the nation's fiercest education battles. Though initially a conservative idea for improving education standards, an idea bitterly resisted by the left, it is today as much championed by the left as it is decried by conservatives. Chester E. Finn, Jr., an Assistant Secretary of Education in the Reagan Administration who once promoted OBE, now complains that "the word 'outcomes' has become tainted," and pleads, "*Mea culpa.*"

What happened was that the conservative effort to move the educational establishment in the direction of measuring the quality of education not by inputs (e.g., money spent on education) but by actual student achievement, or outcomes (e.g., grades and test scores), was hijacked by the left. Though conservative reformers successfully moved the debate in the direction of outcomes, they lost the battle over how to define which outcomes constitute a well-educated student.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Conventional (liberal) wisdom for most of this century was that the best way to judge quality in education was to look at inputs: intentions and efforts, institutions and services, resources and spending. It became increasingly plain, however, that there was little correlation between expenditures and educational attainment. This led conservatives to consider the relevance of outcomes. The shift in this direction was given its greatest impetus in the mid-1980s by the National Governors' Association (NGA). Under the leadership of then-Tennessee Governor Lamar Alexander, they devoted 12 months to developing a national education-reform agenda. The aim was clear: "Schools and school districts [must] produce better results."

This approach gathered further momentum in 1989 when President Bush invited the governors to an Education Summit in Charlottesville, Virginia. They agreed to set six ambitious national education goals to be achieved by the year 2000. The salient feature of all these goals was the emphasis on outcomes. Today, 25 states have developed or implemented an outcome-based approach to education. Eleven others have made outcomes a part of their state accreditation or assessment process.

In 1991, the U.S. Department of Education began supporting efforts to develop a world-class set of voluntary national education standards and tests. This involved three things. First, definitions within subject areas of what our children should know and do by the end of high school—content standards; second, achievement levels specifying what depth of knowledge is "good enough"—performance standards; and third, tests reporting whether children are learning what they are taught.

A good idea subverted

However, this good, commonsensical idea was soon corrupted. Problems arose when policy-makers moved from the sensible concept of judging education quality by focusing on results to the practical details of specifying those expected results. The outcomes defining what students should master emphasize not skills but behaviors and beliefs in the affective domain. They show little concern for core academic content, describing instead mental processes such as attitudes, dispositions, and sentiments. In short, the focus was on behavioral

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and social outcomes rather than knowledge and skills.

This perspective is often associated with William G. Spady, director of the High Success Network, a group of schools implementing OBE. He and those who preach the gospel of "transformational OBE" expect students to "demonstrate those behaviors that denote a positive social, emotional, and physical well-being." The following examples from OBE draft documents illustrate the point:

(1) An Ohio graduate should be able to "function as a responsible family member ... [and] maintain physical, emotional, and social well-being."

(2) In Pennsylvania, "each student shall gain knowledge and have exposure to different cultures and lifestyles."

(3) In Minnesota, it was proposed that "the graduate demonstrates the knowledge, skills, and attitudes essential to ... develop physical and emotional well-being."

Examples such as these are more the rule than the exception. Almost all OBE plans include long lists of similar so-called outcomes, sometimes including hundreds of objectives. Ironically, the meaning now attached to the term "outcome-based education" turns the focus on results on its head, all but precluding "results-oriented" accountability. Like many educational fads, the current outcome-based effort perverts a sensible principle so that implementation subverts the original intent. How did this occur?

Much of the problem can be traced to the processes and mechanisms that generate outcomes. Elected officials typically delegate responsibility to panels or agencies dominated by education experts, whose views differ radically from most of the elected officials and their electors. The pattern in states is almost always the same: The governor or legislature establishes a commission to develop outcomes for public schools; well-intentioned elected officials hand responsibility for specifying outcomes to groups dominated by views anathema to the majority; the commission develops a laundry list of bizarre, politicized outcomes; a wide cross-section of the public raises an outcry; and the state government cancels the plan, or at least the most offending parts of it.

Today, outcome-based education has become a generic phrase describing a good idea gone wrong. Accordingly, it has

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

produced an enormous backlash manifesting itself in two fallacies, the "Aquarian" and the "Nostalgist."

The age of Aquarius

The exit outcomes of Spady's transformational OBE are what he refers to as "the knowledge, competence, and orientations (our word for the affective and attitudinal dimensions of learning) ... deem[ed] critical for assuring success." The goal is to cultivate the ability to function successfully in life-roles, such as being a consumer, a producer, a citizen, a family member, an intimate friend, and a lifelong learner. This understanding is based upon a flawed conception of the role and purpose of education, with deep roots in educational progressivism, especially John Dewey's idea that it is possible and justifiable for educators to use the school to create a "new social order." Irving Kristol provides a succinct description of this "progressive" viewpoint:

> [It] aims to develop the "creative potential" of "the whole person" ... which must not be discouraged by grading, tracking, strict discipline, a dress code, or intellectual discrimination of any kind. Intellectual excellence may be acknowledged, but not rewarded. Social cooperation, a warm and friendly attitude towards one's fellows, a capacity for enthusiasm about anything—from turtles to rap music—are all signs, of equal worth, that a youngster is being prepared to be a good citizen in a democracy.

The question to ask is what outcomes can a state reasonably require students to learn in a public—that is, compulsory—school. Does it include the broad, expanded, and controversial outcomes proposed by some OBE advocates? Forcing parents to send their children to school is one thing. But for the state to declare that students cannot graduate from a school that they must attend unless they demonstrate competence in state-approved values and attitudes has all the trappings of Aldous Huxley's *Brave New World*.

The situation becomes more odious when the state provides no alternatives for children whose parents do not want to send them to public schools permeated by the Aquarian *gestalt*. When a government prescribes outcomes that include values and attitudes, it takes on a correlative responsibility to provide families with a wide range of schooling options so

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

they may exercise a responsible choice that meets their needs. If it does not do this, it should be no surprise when a backlash develops.

If a state refuses to allow a wide range of alternatives, as well as some means of support for these options, it is left with only one option: prescribing carefully circumscribed outcomes that reflect only the broadest public consensus on what students should learn. Such an agreement is most likely to be a consensus not on affective outcomes but on cognitive ones—academic knowledge, skills, and understandings all children must master if they are to become productive members of society.

The good old days?

Religious fundamentalists and others on the right generally unite behind one major objection to OBE: They believe that the schools and curricula of a bygone era are sufficient for children today. Schools should, therefore, not teach children to think critically, weigh evidence, reason analytically and independently, or reach conclusions contrary to "established tradition." Further, for religious fundamentalists, critical thinking is an assault on religious faith and family values. To those whose world is bounded and defined by religious faith, it is sacrilegious to oblige their children to become critical thinkers and independent questioners of authority.

One can understand that parents become upset when government schools teach doctrines that offend their deepest beliefs. And, as mentioned, the situation is compounded when families cannot exit the system unless they can afford a private school or the state allows the option of home schooling. It is another thing, however, to believe that government schools should refrain from teaching children the knowledge, skills, and understandings that enable them to become thoughtful and productive citizens. Thus, those committed to education reform, especially conservatives, must resist the temptation to support a nostalgic view that the content and approaches to teaching used in earlier, simpler times are good enough for today's children.

Today's children must meet higher standards than those faced by prior generations of Americans. These standards in-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

volve combining an extensive knowledge of facts and specifics—those that make up what E.D. Hirsch, a University of Virginia English professor, calls our "cultural literacy"—with the ability to think critically, understand complex relationships, and solve complicated problems. The goal of education ought to be to give all children a chance to develop these abilities.

There is no "silver bullet" to cure the principal education problem America faces: weak academic achievement, even among those who complete formal schooling. The starting point for a remedy must be a focus on outcomes, properly understood. Unfortunately, many on the left (the Aquarians) and the right (the Nostalgists) are undermining the sound, sensible notion that educational quality ought to be judged by what and how well children actually learn. The Aquarians propose a collection of nebulous life-roles, values, and attitudes, rather than measurable academic outcomes. The Nostalgists criticize the left's Aquarian life-roles. Their grievances have more merit, however, than the alternative they propose: a return to the content and methods of a bygone era.

Escaping the OBE thicket

There is a twofold strategy that provides a plausible way out of the OBE thicket. First, we need high, uniform, but sensibly drafted, core academic standards for all our children, with a corresponding system of accountability. Second, we need great diversity in the nature of schools and in the ways professional educators produce the intended results, with families free to choose those schools that best meet their needs.

Survey findings show that most Americans support such an approach. In recent years, polls by the Gallup Organization, among others, have been consistent: The public wants high standards for all students, tests to measure student results, much less bureaucracy, regulation, and red tape in running schools, and different types of schools. Other surveys reinforce this viewpoint, including a report by the Public Agenda Foundation. It shows that the views of school "experts" are out of touch with the public's main concerns. While there are some extreme views on both sides of almost every education issue, the majority of Americans of all races and creeds want

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

safe schools where discipline is enforced and students master the basics before moving on to other things. However, this traditionalism does not lead them to yearn only for "the good old days."

Standards and Tests. The nation's governors continue to speak forcefully on the need for high, national outcome standards defining what all students should know. They have described five general principles that should guide the adoption of standards. They should be: (1) voluntary and not mandatory for states and communities; (2) academic and not deal with nonacademic concerns like students' values, beliefs, attitudes, and behaviors; (3) as rigorous as what other industrialized countries expect of their students; (4) developed using a broad-based, participatory, consensus-building process; (5) adaptable so states and communities can design their own curriculum plans using the broad outlines suggested by the standards.

None of this should involve standardization or a national curriculum. There must be no federal demand to read certain books, teach specific courses, or meet federal graduation requirements. These and other issues should be decided by states and communities.

Good tests are needed to determine whether and how well students are learning what is taught. These exams, however, would not be more of the same standardized tests we have now, where many of our children live in a Lake Wobegon world where all are above average. The tests would have consequences for graduation, employment, and higher education. Moreover, they would permit individual student comparisons across schoolrooms, schools, districts, the states, the nation, and internationally. Other types of timely, reliable, and comparable information, such as college entrance rates and placement in the workforce, must be collected and made understandable and available to the public.

Almost every modern society with which the United States trades or competes has woven these elements into its education system. We owe at least as much to our young people, especially those we label "at risk" and "disadvantaged." For them in particular, expectations in school are almost always low and the curriculum watered-down. Demanding less of these children advances neither equality nor excellence. These goals

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are served by providing access to high standards that reflect a rich and challenging curriculum, demanding much of all, and helping everyone meet these standards.

Diversity and Choices. The second element of this policy strategy combines what Chester Finn calls supply-side pluralism and demand-side choice. This entails creating a system in which families can choose from a wide variety of types of schools and methods of pedagogy. Whereas in other areas of life we assume the superiority of the freedom to choose among a variety of options, in education we too readily allow a highly restrictive group to exercise a monopoly over the supply of a vital service, education. Schools must become much more customer-driven to meet the different needs, values, and traditions of many different young people, families, educators, and communities.

As states and communities adopt standards and adapt them to their situations, they will come to judge quality by the academic results students achieve. This will lead to less monopoly control and decreased government regulation of schools, including the manner in which educational services are delivered. Decentralization will create greater diversity in the ways schools organize themselves and in the methods and techniques instructors use to teach to these new high standards.

Deregulation must also apply to the education profession. We cannot limit ourselves to graduates of teacher- or administrator-training programs. We should develop alternative paths into the classroom and the administrator's office. Individuals with sound character who know their subjects, want to teach children, and are willing to work with master teachers to learn the craft of teaching should be permitted to be a part of America's school system.

The public school of tomorrow

One example of the effort to give families more choice is the move to create independent public schools—what some call charter or outcome schools. Led by Minnesota, 11 states have enacted charter-school legislation, with others currently considering it. Though details vary, plans allow teachers and others to ask permission from a local or state authority to start a charter school. The charter's terms free teachers from

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

regulations and bureaucratic red tape. In exchange, teachers are held accountable for students mastering agreed-upon knowledge and skills. In short, teachers swap red tape for results and develop a system of accountability based on well-defined outcomes.

A variation on the charter idea is the "contract" school, where school boards engage outside managers to design and run schools or to provide educational services. According to RAND analyst Paul Hill, this approach "allows schools to be operated by a variety of public and private organizations, based on school-specific contracts that define each school's mission, guarantee a certain amount of public funding, and spell out the terms of accountability."

From this and other examples, a new understanding of the nature of a "public" school and its governance begins to emerge. Any school that embraces world-class standards, meets nondiscrimination, health, and safety requirements, and is held accountable for its results becomes a public school, without reference to whether a government school board owns, operates, or funds it. The responsibility of a public school board then becomes making sure that families have the broadest number of enrollment options available to them, that every child has a school to attend, and that schools are held accountable for their academic results.

Pursuing the twofold strategy suggested here can help resolve differences between OBE supporters and critics. It also can lead to a different and renewed idea of education, one that serves the public interest and prepares our young people to live, work, and compete successfully in the next century. The resulting system will have high academic standards for all students, test for results, and provide educators with more flexibility and less red tape, while giving families more choices among schools. Viewed in this way, outcome-based education is a cure for what ails America's schools.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Recycling: myths and realities

ROGER STARR

A WEEK before the 1994 elections, Mayor Rudolph Giuliani received a piece of very good news from the New York City Department of Sanitation, perhaps the last good news he was to receive for quite some time. The department reported that the market for used newsprint (the paper on which newspapers are printed) had become so strong that the city would now receive $10,000 a day for bringing discarded newspapers to wastepaper dealers instead of paying the dealers $10,000 a day for taking papers off the city's hands. The prospective net savings enabled the mayor to reduce the department's annual budget by $5 million a year—a tidy sum, though, in effect, it constitutes less than 2 percent of the department's $326 million budget for waste removal and street cleaning while newsprint constitutes about 8 percent of its total waste stream.

Mayor Giuliani's good news was immediately mistranslated into great news by advocates who demand that recycling be

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

declared the means of first choice for the disposal of garbage, or as the industry terms it, municipal solid waste. The rise in the market price of used newsprint may be permanent, as they suggest or, as others believe, it may reflect only a not-unusual fluctuation in market demand. In any case, the role of recycling in waste management depends not on what newsprint is worth to the paper industry but on the effectiveness and costs of recycling all other wastes.

A report prepared by Franklin Associates and released last September (on recycled paper) by the environmentally conscious organization Keep America Beautiful, Inc., concluded that the maximum that can be achieved by the year 2000 in recycling and composting is between 25 percent and 35 percent of the total waste stream. It further stated that an increase to the midpoint estimate, 30 percent, would simply meet the probable increase in the total tonnage of municipal waste in the United States.

The 70 percent of the waste stream that will not be made to disappear by recycling and composting will have to be disposed of by landfilling and incineration or, as it is often described, waste-to-energy production. Paper, more flammable than most materials, has an important role to play in this. Though it does not contain more British Thermal Units than many types of plastic containers in the waste stream, it ignites immediately, helping the plastic to ignite. Thus, the widespread, but misguided, belief among conscientious citizens that recycling is the wave of the future only harms our ability to deal effectively with the entire waste stream.

Paper chase

In New York, this misconception was fueled even further by Kendall Christiansen, Chairman of the Citywide Recycling Advisory Board, who described the $5 million (annualized) windfall as "not just a home run, but a grand slam." Thus, he introduced his prediction that the city would collect and sell every ton of discarded paper, instead of disposing of it in the Fresh Kills dump on Staten Island or storing it in warehouses. He saw a future in which the Sanitation Department, having learned the value of one waste product, would expand its vision to include every recycling goal under the sun.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

While Christiansen's enthusiasm is admirable, the sudden rise in the value of old newspapers requires a second look. Christiansen suggests that new capital investment in plants that recycle old ink-covered newsprint into fresh newsprint is largely responsible for the increased demand for old newsprint. Dr. Harvey Alter, Manager of Resources Policy for the U.S. Chamber of Commerce and an acknowledged national authority on waste disposal, points to other factors. He notes that wide swings in newsprint demand have not been unusual, and that they probably reflect variations in newspaper advertising lineage and circulation figures. Both of these, in turn, reflect seasonal and general economic conditions that are subject to rapid change.

Predicting the future value of secondhand newsprint is a chancy business, and both dealers and municipalities might find themselves in trouble if they make long-range investments in trucks and facilities based on a possible temporary surge in newsprint demand. Above all, newsprint value has little or no bearing on the resale value of other assertedly recyclable materials.

Jacques Besnainou, a French chemical engineer whose firm, Ecobilan, served as consultant to the European Economic Union, suggests that newsprint reconditioning plants are likely to be sited near paper manufacturing facilities rather than near the cities producing large quantities of used newsprint. He argues that air pollution attributable to the truck transport of used paper products to distant reconditioning plants and the energy requirements of both the transport and the reconditioning process must be taken into account to appraise accurately the social and economic cost or benefit of increasing paper recycling far beyond present levels.

Besnainou also emphasizes a salient characteristic of overstretched efforts to collect widely distributed materials of any kind. Collectors soon discover that what they picked up first were the easy loads: newspapers from the newsstands, printing offices, and major public and private buildings. To continue to increase tonnage level, the collector, whether it is the municipality or a private dealer, must be satisfied with smaller quantities at more widely separated spots, resulting in higher costs and lower profits, if any.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A sound waste-disposal program has to involve three elements: recycling, incineration, and landfilling the incombustible residual materials. A program eliminating too large a portion of the wood-fiber products might require their replacement by much more expensive fuel. Thus, while increased demand for waste paper should help reduce the cost of getting rid of it, that cost saving can be quickly wiped out if, treated as a "merit good," concentrating on paper resale results in upsetting a more economically sound balance of the three major waste disposal disciplines.

This discussion does not refer to a fourth discipline—reducing the amount of materials that become waste by cutting back on the packaging of consumer items. Though waste-disposal philosophers emphasize the economic beauty of such a discipline, it, if practical at all, is surely not within the control of the municipality in which consumers live and throw away what they do not use.

The virtue of recycling?

Although governments in recent years have concentrated their attention on human problems like crime, education, and civil decay, two physical problems—water supply and waste disposal—continue to demand urgent attention.

After establishing the Resource Conservation and Recovery Act, a clumsy and grossly unsuccessful program that was intended to remedy inadequate disposal of urban wastes, the federal government left solid-waste disposal problems mainly to local governments. Cities, whose dense populations make those problems critical, had to find landfill replacements for old garbage dumps that could not meet new, thoroughly justified standards, most of them established by state governments. These standards include procedures for collecting and burning methane gas produced in landfills by rotting organic wastes and for trapping and purifying leachate, the rainwater that penetrates the massed refuse, which poses the danger of bacterial and chemical contamination of groundwater and surface streams.

The state governors, however, have been reluctant to alienate rural voters by helping the cities in their own states find sites in which they could deposit solid waste safely. Members

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of Congress shared this political insight: In their 1994 sessions, both Houses adopted bills that would allow any state to block interstate commerce by refusing to allow garbage from a "foreign" state to be piled on its land. Slight differences in the wording of the versions approved by each House were all that prevented the exclusionary principle from becoming the law of the land. Since this issue is not a partisan matter, an effective revival in the new Congress seems likely; it is possible that such laws will ultimately be found unconstitutional, but no cautious mayor should bet on it.

Despite political opposition, entrepreneurs have developed large sanitary landfills, hoping to attract and derive fees from garbage haulers. Their success depends not only on rejection of the anti-interstate-hauling legislation but also on their acceptance by local haulers whose smaller trucks (capable of using the driveways of small homes) are economically disadvantaged in taking waste to relatively distant and expensive high-tech landfills.

As public opposition to landfill disposition of urban wastes swelled, major American organizations dedicated to the protection of the natural environment were persuaded that waste-to-energy was simply the proponents' slang for bad old incineration. They remain convinced that the third option—recycling—is not only the most efficient but also the most righteous choice for disposing of municipal waste.

In their view, recycling of refuse into newly usable materials and artifacts is a process free of the threat of toxic chlorine compounds that are produced, even if later destroyed or recaptured by state-of-the-art technology, in the incineration process. These organizations insisted that reusing already existing products, like corrugated cardboard, glass bottles, plastic containers and sheets, newsprint, and cans, rescued from the waste stream and subsequently rehabilitated can be an efficient and economical procedure. It is far less wasteful than simply burying them in the ground.

Finally, the recycling process is given top priority by the environmental organizations and their followers because it involves the citizenry as a whole in a daily or weekly reminder of the importance of environmental protection. Recycling, the organizations insist, enlivens public consciousness and opens

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

new vistas of public participation in the agenda of environmentalism.

This view—attaching priority to recycling as the key to disposing of municipal waste—became a virtuous cause in which legislators and editorialists found common ground. It also slowly but surely energized entrepreneurs to establish themselves as middlemen between municipalities and existing businesses, like newspaper publishers and plastic-container manufacturers, that are able to reuse materials salvaged from the waste stream. However, reuse is possible only after the materials have been subjected to separation, sorting, cleansing, and sometimes pulverization, in order to make them reusable. These entrepreneurs, who include the wastepaper dealers already mentioned, are market-oriented and may pay the municipality (or the commercial haulers) for the recyclables they beneficiate, demand to be paid for taking them, or refuse to accept them under any circumstances.

The utility of incineration

As long as this degree of recycling does not interfere with waste-to-energy or landfilling, or impose noncompetitive costs on the municipality, it is constructive, especially when it eliminates incombustible glass and metals from the waste-to-energy intake. However, a large part of municipal solid waste consists of organic material—discarded foodstuffs—that cannot be reused. The apparent success in reusing some parts of the waste stream enabled recycling advocates to promise unlimited future applications, while considerations like the costs of collection and separation of salvaged items, storage, purification for reuse, and transportation, remain unexamined.

Ordinarily civic leaders and potential candidates for local public office follow the costs of municipal government very closely. They are quick to charge officeholders with unwarranted extravagance, if not graft, when they find that they have chosen programs that could be matched by cheaper alternatives. Yet, municipal and state legislators and administrators—except for those actually charged with the job of getting rid of the wastes or regulating the private haulers who chose to do that—managed to retain their popularity with environmentally conscious voters. They obscured the actual costs of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

recycling by outbidding each other with promises to establish an ever-higher recycling target, expressed as a percentage of the total waste stream that would disappear into new economic production.

The conclusion to be drawn from a comparison of the three alternatives is obvious to anyone who is actually engaged in managing urban wastes: "alternative" disposal methods are not, in fact, viable. A sensible program for disposing of municipal waste would, first of all, minimize moral overtones and emphasize material realities. A program free of moral overtones in any large city would make use of all three methods of disposal.

Such a program would recognize that a very large part of the municipal waste stream consists of food particles that cannot be recycled. This same part of the stream—smelly, infectious, attractive to unpopular animal life—is the least welcome anywhere and can best be rendered harmless by high temperature incineration. That process can be installed within the city that generates the waste and, though those who live nearest the incinerator site will fight it vigorously, their specific fears are largely imagined. The waste-to-energy plants now operating in Baltimore, Bridgeport, and Newark, for example, produce no smoke, no smell, no germs, and no dangerous air pollution.

The major valid objection to such plants by prospective neighbors is based on the fear of truck traffic that will bring waste by city streets to the incinerator and remove the much smaller quantity of ash. The fact is, however, that no matter what disposal method is adopted by any city, it must ultimately depend on trucks to carry the waste at least partially through city streets, on the way to a location where it can be burned, buried, or prepared for resale to the extent possible.

Naturally, landfill capacity will still be required for the ash produced in the waste-to-energy plants. But, once again, it will be easier to develop small landfills for the radically reduced remains of refuse sterilized by high-temperature flames than to continue to ship uncountable numbers of tractor-trailers filled with noisome garbage down interstate highways. And carbon monoxide and nitrogen oxides would be generated all along the route.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

When your garbage leaves home

New York City provides an interesting example of the practical limitations of recycling waste materials. Its Sanitation Department records that all recyclables diverted from the waste stream constituted about 14 percent of the approximately 11,000 tons of waste handled by it every day in June 1994. The 11,000-ton figure does not include waste handled by private haulers who remove it from all commercial establishments. Some of the unrecyclable remainder of the commercial waste is dumped at the Fresh Kills landfill (for which a substantial fee is charged the private haulers) or, more likely, trucked less expensively by them to other states, most of which accept it with growing reluctance.

On the appointed weekdays in each section of every sanitation district in New York City, black plastic bags, blue plastic bags, and stacks of newspapers and periodicals more or less neatly tied line the sidewalks to be picked up by one of the three designated, but otherwise identical, truck fleets of the city's Sanitation Department. Black bags go into the trucks that collect raw, unrecyclable garbage. Blue bags go into the trucks that collect intermingled recyclable glass, plastic, and metal. Each of the bags is filled by householders. Newspapers, lashed together, go into trucks assigned to pick up nothing but recyclable paper and cardboard.

Those blue bags are surely the bags of virtue, reflecting the stalwart civic effort of householders to comply with Local Law 19, which requires the Sanitation Department to collect no less than 4,250 tons of recyclables each day now that the law has been in effect for five years. The black-bag garbage trucks outnumber the blue-bag recycling trucks by at least three to one. Simple arithmetic suggests that the legal minimum tonnage of recyclables is not nearly achievable.

It seems likely that the warm consciousness of virtue that keeps many civic-minded householders faithful to recycling is based on a mistaken notion of what happens to the glass jars and bottles, the plastic flasks and containers, and the tin and aluminum cans that householders collect for reuse.

The householders are likely to imagine that some invisible hand separates and classifies the different types of recyclables, which are commingled in the home, and guides them, almost

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

good as new, back to the manufacturers who filled them before, thus presumably saving civilization great chunks of raw material and fabrication expense.

Alas, the carefully saved glass bottles and jars meet a very different fate after they disappear into the rear end of the blue-bag sanitation truck's enclosed body. As one member of the two-person sanitation-truck team pulls levers, an immense jaw of steel reaches back over the trough into which one or more blue bags have been deposited, cramming them further into the body of the truck. There, a blade, rising from the bottom inside the truck body, presses the newly acquired bags against the rear face of an immense piston, crushing the bags and gradually forcing the piston to retract toward the inside front of the truck body.

In the process, most of the glass bottles, cans, and jars inside the bags are smashed or shattered. Glass shards and glass dust mix with the plastic containers, foodstuffs, and refuse that some less-conscientious householders forgot to wash out of their discards. Inevitably, the reuse value of the carefully saved containers is compressed with them, until the fragments are subject to a new, costly, and only partially effective process for restoring them to marketability.

Recycling begins

When the truck reaches its MRF destination—the initials stand for Municipal Recycling Facility, in New York City always privately owned and operated—the rear wall of the truck body pivots upward. The piston, by now retracted toward or all the way against the front end of the truck body, is driven rearward, forcing the bags out of the truck into a pile on the floor of the MRF or into a large open-top container that can be lifted and moved by a front-end loader.

The privately owned MRF now gets to work, restoring what the truck mechanism put asunder. The natural question of a householder who discovers that the truck monster casually crushed the fruits of his, or, more likely, her, virtue, is "Why does the Sanitation Department countenance such a destructive operation?" The answer is simple. The cost of operating each truck with a two-person team is fixed, and thus, the larger the load that can be crammed into it, the fewer the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

loads. With fewer loads there are fewer trucks and crews, consequently, lower total waste-collection costs faced by the city.

The department can cram more than 13 tons of residual (non-recyclable) garbage into each truck. Since the weight per cubic foot of empty, intact containers would be considerably less than the weight of wet, compacted garbage, the cost of collecting recyclables is considerably greater. To minimize the difference, compaction is essential. It increases the recyclable load to as much as 10 tons in the densely populated, affluent sections of the city. In less-affluent neighborhoods, where householders have more significant concerns, the average blue-bag load may be as low as five tons.

Even if compaction reduces the resale value of recyclables and thus increases the fees the city must pay private contractors to make the commingled fragments salable, the Sanitation Department must overlook that kind of entrepreneurial calculation.

Many cities, big and small, have dispensed with all municipal collection and trucking of waste, and even in those larger cities that continue to provide cost-free collection of household refuse, commercial truckers serve commercial establishments. When haulers contract to remove wastes from large-scale commercial enterprises with more storage space than a family kitchen, they often provide containers in which the establishment can place recyclables—empty wine bottles for example—to keep them from being crushed or commingled with other, incompatible recyclables.

In an MRF in Queens, a visitor can inspect a large, open container, as big as a dump-truck body, filled with intact, empty, green wine bottles. Interestingly enough, even though intact, these bottles will not be returned, like beer bottles, to the multitudinous, distant, and widely scattered vineyards and bottlers where they were originally filled. Nevertheless, a load of green bottles is worth considerably more than a load of bottles of mixed colors. But not even the green bottles will be sold by the commercial haulers in that form. Instead, they will be crushed so that glass makers can melt them down to produce new green glass, while the new green glass will make new bottles that can be transported with relative economy of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

scale to the bottlers who use them for their new wine.

The sorting process

The material in the blue bags—the material that most New Yorkers have in mind when they think about recycling—presents the greatest challenge to the MRFs. It is vital to the manufacture of new glass that the old glass that is added to the mix be sorted by color. However, it is reportedly physically impossible for human eyes and hands to sort mere fragments of glass by color, and no machines have yet been invented to complete this task effectively.

At first sight, a neophyte investigator inevitably doubts the probability of finding something useful in the kaleidoscopic debris pushed out of the Department of Sanitation blue-bag truck. But people who are accustomed to sorting trash do not give up easily. A front-end loader picks up a bucketful of material and drops it on a conveyer belt that carries it up toward the ceiling of the facility, then allowing the material to drop onto another conveyor. There are two platforms, one on each side of the second conveyor. Workers, wearing gloves, hard hats, and filters over their noses and mouths, are stationed on these platforms. Each worker is ringed by a series of bins or drums. One is for glass fragments, another for aluminum cans (steel cans coated with tin are picked off the belt by a magnetic pulley), another for colored plastic, another for white plastic.

The belt moves at an astonishing rate of speed, and the hands of the workers match it. Theirs is an honest occupation that might well engage the quick hands and sharp eyes of reform-minded three-card monte dealers from the city streets. The "pickers," as they are called, seem able to distinguish small individual objects in a totally confused mess of colors and shapes and to adjust their arm's length grab-and-toss to the character of what happens to pass by.

Ultimately, a kind of order emerges. The aluminum cans are mashed into a bale. The pieces of glass, impossible to sort by color when they have been broken into such small pieces, meet one of two possible fates: They will be pulverized in a mill that will reduce them to a sand-like consistency that resembles the raw material of glass and will be used to make

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

new glass. Or they will be left intact in their shattered form and used as an inert aggregate, replacing gravel in asphaltic concrete, a combination that has been named "glassphalt." This substitution has the merit of providing a way to get rid of something that has no other earthly use. These scraps, or "cullets," may also be used in the development of glass products, like fiberglass insulating material, in which color is insignificant.

The flattened plastic containers are washed free of the glass dust and shards that contaminated them in the sanitation trucks, and they are pressed into bales of festive color that might have been assembled by Jackson Pollock. The bales are shipped to the plastic-sheet manufacturers, which welcome them as a cheap supplement to the plastic constituent chemicals that arrive, expensively, in tank cars from major petrochemical producers.

The economics of recycling

The overall economics of recycling are, however, somewhat different. One must take into account the avoided cost of putting the glass waste into the Fresh Kills landfill that New York City uses, or whatever landfills are still available to other cities. The life of a landfill is limited by the quantity of discarded waste and the geometry of the inclined plane on which trucks ascend to drop their loads. It also faces an indeterminate sentence of extinction, imposed by the outrage of near neighbors or by a state regulatory agency. The uncertainties of these limiting factors make it difficult to arrive at an appropriate charge to cover depreciation over the remaining life of any municipal landfill and allow the affected city to assemble the capital to develop a wholly new landfill that would nowhere be welcome.

It seems clear to everyone who does not live near the prospective site for a major landfill or a future waste-to-energy plant that one or both of these unwanted neighbors is necessary because recycling alone will not by itself absorb the discards of urban civilization. Some industry leaders urge the privatization of the entire process, including the organic wastes that are not now included under the heading of recyclables. These, advocates claim, could be composted like organic yard

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

waste in the backyard of the city, a process that, perhaps mistakenly, sounds like planned disintegration through rotting. This is a smelly potential health hazard, no more welcome in any neighborhood than landfills, incinerators, or hospitals for the mentally ill.

Other industry leaders suggest that the recycling business needs what they call "a level playing field." By this they mean that products made with recycled material should be as readily acceptable to potential buyers as anything made from previously unused fibers and chemicals. Their specific proposal, already adopted by some governmental institutions, gives a new slant to the meaning of "level." It suggests that all local and state governments, together with the national government, be required to purchase and use a defined percentage of their office supplies and other sundries made from recycled materials. They recommend further that governments be allowed to accept bids, even though the asking prices for recycled products are as much as 15 percent higher than those of competitive virgin products. Such price concessions favoring recycled products are already offered by some local governments. While they demonstrate that recycling is not the cheap and easy matter that would make a substantial market share easy to obtain, this favoritism is simply a tax that prefers one class of producer over all others.

Advocating still another principle are leaders and workers in the municipal sanitation system who are offended by the practice in the city of New York, and no doubt other cities, of paying privately owned MRFs for taking in and processing the recyclables collected by the Department of Sanitation. Why not allow city workers to do the whole job? Those who ask the question are generally members of the sanitation workers union, or some old folks who remember the days before civil-service workers were unionized and were thus willing to accept lower pay in return for job security.

The New York City sanitation union has recently shown unexpected flexibility in agreeing to modification of its work rules. That suggests that it might be possible to compete on a truly level playing field with private enterprise, but the rules for such an engagement would not be easy to formulate. Meanwhile, technological improvements may continue to find their

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

way into the recycling process. However, they are unlikely to come fast enough to enable those city dwellers whose local government depends on recycling and landfilling for waste disposal to look calmly at the looming nearby mountains of municipal waste and the fading welcome of their city's waste in other states.

Garbage doom

Urban Americans have every right to worry over how long it will take, and what sacrifices will have to be made, before an adequately comprehensive set of systems will be available to keep their communities from burying themselves in their own detritus. That seems now to be the inevitable consequence of the confusion between the virtue of recycling and its political attractiveness, and the simple fact that, even with the most efficient collection and reprocessing systems in the world, recycling cannot make the waste stream disappear. To accomplish that, an industrialized society, concentrated in relatively dense communities, needs to strike a balance between recycling and waste-to-energy. It also must find land space for burying the burned and sanitized residues of those two processes.

The modest success in recycling specific materials is interpreted by too many elected officials as a sound reason for pleasing their constituents by refusing to consider waste-to-energy plants and modern landfills as essential parts of a waste-disposal program. If they think deeply about the issue, they may assume that when the day comes on which there will be no place to put the waste that cannot be recycled—surely more than 50 percent of the daily tonnage—they, the legislators, will be free of their earthly cares, to say nothing of their freedom from having to worry about reelection.

But as the pulp mills save old paper from the incinerators, and thus strongly discourage the development of waste-to-energy, the day of garbage doom comes closer. The image of the garbage barge that, like the Flying Dutchman, sailed from port to port because none would accept its cargo, becomes more relevant. Careful students of this unglamorous subject, here and abroad, are already looking at their watches.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The politics of public pension funds

ROBERTA ROMANO

IN most large U.S. corporations, the owners are passive investors who do not run the business. This creates an agency problem, allowing the managers to operate the business for their own ends, not the shareholders'. In the 1980s, corporate takeovers tended to mitigate the agency problem. Poorly performing managers were threatened with replacement by new owners who were willing to pay the shareholders a premium to take control of the firm in the expectation of increasing profits. With the lull in takeover activity in the 1990s, commentators concerned about corporate performance have sought alternative mechanisms to discipline management; the most prominent strategy is to encourage institutional investors to be more active in corporate governance.

Institutional investors are the principal target of corporate-governance strategies because they hold larger blocks of stock than individual investors. By being able to spread the cost of active monitoring of managers over a larger number of shares,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

corporate governance becomes more cost effective. Moreover, one group of institutional investors has been the focus of attention: public pension funds (state and local government employees' pension funds).

Public pension funds are typically considered the best candidates for corporate-governance activity because other financial institutions, particularly banks and insurance companies, are thought to have conflicts of interest. The conflict comes in monitoring managers of corporations whose stock they hold as a result of other business relationships they have with corporations, relationships which might be jeopardized if they opposed management on a matter of corporate governance. Corporate pension funds are suspect because they are run by corporate managers themselves.

When it comes to conflicting incentives to monitor corporate managers, however, there is no such clear-cut distinction between the public and private sector. Public pension funds are also confronted with conflicts of interest, though of a distinctive type. Namely, public fund managers are subject to political pressure to accommodate investment and voting policies to local considerations, such as increasing in-state employment. Just as certain private fund managers can be threatened with loss of business if they vote their shares against incumbent management, public funds can face economic losses if firms propose to close plants in states whose funds have not voted cooperatively or to not locate facilities in states whose funds are pro-management voters. Although these conflicts are geographically delimited compared to those involving private financial institutions, it is an open question whether one sector's decision making is more constrained than the other by its type of conflict.

While I have not attempted to measure the relative degree of conflict of interest in corporate-governance matters across private and public investors, I have investigated whether there are conflicts of interest in the public sector affecting fund decision making. There is ample anecdotal and statistical evidence to conclude that there is a significant problem and that it will increase if public funds intensify their monitoring activities. This severely limits the benefits from a strategy of encouraging public pension funds' activism in corporate gov-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ernance. Moreover, the best method of mitigating the conflict of interest that public pension funds face is to privatize the funds by shifting their organization from *defined benefit plans* to *defined contribution plans*, but such a transformation will eliminate their ability to engage in corporate governance. More about this later.

A tempting target

The percentage of corporate equity held by institutional investors generally, and by pension funds in particular, has increased exponentially over the past few decades. From holding less than 1 percent in 1950, pension funds held 26 percent of corporate equity by 1989. Public pension funds are approximately 30 percent of this sector, and their proportionate ownership of the stock market in the mid-1980s has been estimated at 6 percent to 8 percent. The book value of public funds rose over this 40-year period from $5.3 billion to over $600 billion. The phenomenal growth of assets under the control of pension funds, and of public pension funds in particular, is one of the reasons commentators have focused so much attention on them.

Another reason for the interest in public pension funds is that a small number of these funds has been far more active in corporate governance than other institutional investors. Funds like the California Public Employees' Retirement System (CalPERS) oppose management proposals and offer their own proposals at annual shareholder meetings, and they were among the successful advocates of the Securities and Exchange Commission's recent reform of its proxy-solicitation regulations, which facilitated communication among shareholders. Private financial institutions have not been as prominent as the public funds on any of these fronts.

Public pension funds are regulated by the states, as they are exempt from the Employee Retirement Income Security Act (ERISA), the federal statute regulating private-sector pension funds. Two features of the state regulatory regimes are of particular importance because they influence the sensitivity of fund managers to political pressure. First, states prescribe the investments public pension funds can make, either by specific approval on an itemized legal list, or by general authorization

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

subject to a fiduciary standard of prudential investment. Whether or not they follow the legal-list approach, numerous states also mandate or encourage local investments by public pension funds. For example, Arkansas requires its public pension funds to invest between 5 percent and 10 percent of their portfolios in Arkansas-related investments, and California permits its funds to invest 1 percent of book value in small-business venture capital, but a majority of such funds must go to California-based firms.

Such investments are often termed "social investments," or "economically targeted investments." The investments' returns are typically not commensurate with the risk and, despite proponents' claims, there is little evidence that the inability of particular projects to obtain private-sector financing is a function of capital market failure. This is recognized by those proponents of economically targeted investing who maintain that investment criteria should be expanded beyond the traditional financial returns to include non-financial returns, i.e., "social benefits." However, it should be noted that, if market imperfections prevented important local projects from being financed by the private sector, it is problematic to place the risk of such investments on public employees rather than distribute the risk across the public at large by funding them directly through general revenues.

Second, state law designates the composition of public pension fund boards. Board members generally fall into one of three categories: gubernatorial appointees, individuals who serve by virtue of their office (such as the state comptroller or superintendent of schools), and plan participants (active or retired government employees) who are elected by the plan participants. The political affiliation of board members makes them especially vulnerable to influence by other state officials concerning local investment policy. Particularly in times of fiscal difficulties, pension fund assets have been an inviting target for state officials seeking new sources of financing for local projects.

The cost of social investing

There are numerous examples where political pressure was brought to bear on public pension funds, resulting in their

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bailing out financially distressed governments and investing in very risky local projects. For example, in the mid-1970s, New York City pension funds were pressured to invest in city bonds to stave off the city's insolvency. In addition, under the threat of a decrease in the state's annual contribution, the New York State pension funds purchased the bonds of four state agencies involved in social investment activity that were on the verge of default. Moreover, in a 1982 survey of 18 state pension funds with social investment policies, officials of eight funds stated that they experienced political pressure to develop social (local) investment policies.

Public pension funds also make social investments without visible political pressure, and, in a number of cases, the results have been disastrous. This is particularly disturbing because not only have the number of such investments increased over time, but a federal commission and officials in the Clinton administration have endorsed such investing by pension funds. Yet, the full financial cost of aggressive social investing will not be known for a number of years.

The Kansas Public Employees Retirement System (KPERS), for instance, invested heavily in local businesses, including a steel mill and a savings and loan, and incurred a loss of over $100 million on this portion of its portfolio. In addition, the Connecticut pension fund provided $25 million for a leveraged buyout of a distressed local firm, Colt Industries, to maintain local employment. Its investment, which was intended as a bridge loan, turned into a longer-term investment equal to 47 percent of the corporation and is in jeopardy because Colt filed for bankruptcy.

Finally, a study of 10 state pension funds' investments in mortgage-backed pass-through securities to aid local housing markets from 1980 to 1982 found that, once the funds focused on social considerations, they failed to achieve appropriate returns from the investments, despite the existence of clear comparative benchmarks (federal agency pass-through mortgages) to price those investments. Since in most economically targeted investment contexts there are no readily available benchmarks, the problem of sacrificed returns is even greater.

Political pressure by proponents of social investments can even constrain public pension funds from undertaking what

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are seen as thoroughly uncontroversial investment strategies by the professional investment community. When the Minnesota Investment Board, which handles the state pension funds' investments, hired an international equity manager to implement a decision to allocate 10 percent of its portfolio to international investments, organized labor protested. In response, the state adopted investment criteria for the international fund manager involving compliance with labor, human rights, and environmental standards. Such criteria are unrelated to maximizing portfolio value, the reason for diversifying into international investments in the first place. Private corporate pension plans have been holding international investments, without such interference, for years.

A more graphic example of local considerations trumping fund value maximization occurred in Illinois. The Illinois State Treasurer, a trustee of the state pension fund, threatened to withhold future investments from a leveraged buyout fund if the fund did not ensure that a financially distressed printing plant that it owned in Illinois would remain operating without any reduction in employment. The buyout fund operator thereupon agreed to terms of sale with the plant employees. The treasurer secured benefits for a small number of state residents (the printing-plant employees) without any apparent consideration of the impact on the return to the buyout fund (the plant owners), although the state pension fund was, of course, one of the owners. The Illinois treasurer's objective of maintaining in-state employment is not likely to coincide with the goals of the other investors in the leveraged buyout fund, Illinois taxpayers (who might well have to pay more taxes due to lower pension fund investment returns), or the public employees who are the Illinois pension fund's beneficiaries.

Political interference in two states

Pressure on direct investments of public pension funds is a problem for taxpayers and public employees; it is likely to reduce the returns to the funds' investments, requiring higher state contributions in the future and reducing the scope for providing pensioners with non-mandated cost-of-living increases in the future. Yet, it affects corporate governance only indirectly by directing resources to or from particular firms. There

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are, however, some instances of funds having to follow policies that tie shareholder voting to local considerations. For example, the Iowa pension fund is required to temper its policy of voting against management proposals that make hostile takeovers more difficult with consideration of the company's in-state employment. More important, there have been two notable examples, in New York and California, where political pressure on state pension funds has more directly touched their corporate-governance activities.

After it was disclosed that the New York state pension fund had invested in a leveraged buyout fund that financed hostile takeovers, including the successful acquisition of RJR-Nabisco in a contest against a management-led bid, the governor created a task force to investigate pension fund investment policy. The New York State task-force report was critical of investor activities that opposed incumbent management and made several recommendations to prevent state funds from supporting hostile takeovers. It also proposed changing the fund's organization to reduce the comptroller's control over investment decisions. Not only was the comptroller a member of a different political party from the governor, he also supported active corporate governance to monitor corporate managers and opposed using pension assets for social investing, a policy favored by the governor. The split party control of the state legislature prevented the enactment of legislation implementing the task force's proposed organizational change.

A similar effort to put public pension funds under greater gubernatorial control occurred in California. Although the immediate reason was fiscal—the governor sought to reduce the state deficit by transferring pension funds into general revenues—commentators thought that the attempt was also related to the business community's dissatisfaction with CalPERS' corporate-governance activities. CalPERS had, for instance, criticized the management of several corporations for receiving excessive compensation, including that of major California employers, and had frequently introduced and supported shareholder proposals opposing management. The governor succeeded in transferring revenues but lost the organizational battle, again largely because of divided government.

One import of the New York State task force and Califor-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nia gubernatorial attempts to constrain fund officials is that, if public pension funds' activism in corporate governance accelerates, such efforts will also increase, as will the likelihood of legislative success. Indeed, political efforts at restraining public funds need not succeed to chill the funds' corporate-governance activities; it is possible that fund boards comprised of politically sensitive members will capitulate to local interests to forestall frontal attacks on fund organization and assets.

Shortly after the attack on its independence, CalPERS invested $375 million in local housing development, a social investment project favored by the governor. Moreover, after these two incidents, the New York fund and CalPERS cut back on more visible forms of corporate-governance activism, such as introducing shareholder proposals, and adopted what they termed a "quiet diplomacy" strategy of direct negotiations with management that was less confrontational than their prior approach.

Finding a solution

The available evidence suggests that political pressure on fund investment and voting decisions impairs pension fund performance. Public pension funds whose boards are more vulnerable to political pressure perform significantly worse than those whose boards are independent. This statistical relationship, the inverse correlation between fund performance and the politicization of fund boards, suggests two possible solutions: increase the independence of public pension fund boards or constitutionalize fund board independence from potential legislative and gubernatorial interference. However, in fiscally troubled times, even independent board members may be unable to resist political pressure, and constitutionalizing independence hardly prevents state officials from influencing politically sensitive board members.

Applying ERISA's fiduciary standard to state funds fails to solve the problem for the same reason, viz., the inherent susceptibility of individual fund managers to political pressure. Moreover, because permissible investments under ERISA are governed by Labor Department rulings, when Department officials favor economically targeted investments, as is true of the current administration, subjecting public funds to ERISA

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

will not eliminate political pressure on the funds.

Another possibility, mandating passive (i.e., indexed) investment strategies, would also fail to insulate public pension fund managers from public pressures. For one thing, investments in certain classes of assets necessary for maximizing portfolio diversification and value are not easily indexed. Moreover, since the shares in the indexed fund still need to be voted, the political pressure will simply be applied at this point. Although one might attempt to avoid this loophole by requiring outside management of public pension funds' indexed equity portfolio along with delegation of voting authority, this solution will not prevent the exertion of political pressure on the external managers through the threat of replacement.

The most promising mechanism for eradicating political pressure on public pension funds' decision making entails changing the organization of state pensions from *defined benefit plans* to *defined contribution plans*. A defined benefit plan guarantees a pension according to a formula depending on final salary and years of service that is independent of the value of the assets in the plan. A defined contribution plan, by contrast, consists of the financial assets that accrue in employees' individual accounts from contributions by the employer and employee over their working lives. Since employers are responsible for paying the pension in a defined benefit plan (thus bearing the risk of poor investments that do not cover the promised payouts), they justifiably expect to exercise control over investment decisions. In the defined contribution plan, the employee bears the investment risk and therefore he, and not the employer, makes the investment decisions. This proposal thus solves the problem of political pressure by privatizing public pension plans; investments are put in the control of the beneficiaries.

The typical choices provided private-sector employees in defined contribution plans are bond and stock index funds managed by reputable, typically national, mutual funds and guaranteed insurance contracts (GICs) that are sold by life insurance companies and promise a specified return. As long as public plans follow the predominant private-sector approach and do not manage their defined contribution plans' invest-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment options, political pressure will not be a factor because the fund board does not control any assets, and hence has no voting responsibilities.

Although public pension fund boards will choose which financial institutions can manage beneficiaries' accounts, it is improbable that they will be able to exert much political pressure in this arrangement through the power of appointment. This is because national mutual fund managers are less likely to be pressured to temper their investment and voting decisions with any particular locality's employment concerns than public fund managers, as the threat of loss of any one state's business is not likely to pose a severe economic threat to such a firm.

More importantly, employees have far greater incentives to monitor fund board behavior in a defined contribution plan. They will insist on maintaining the best performing mutual fund regardless of the manager's support for social investments, for it is now their own money at stake. The employee's clearer appreciation of, and hence greater interest in, investment performance will reduce further the likelihood of the exercise of political influence on many managers by fund boards or other state officials.

Additional policy advantages

The choice of pension fund organization implicates a broad set of public-policy considerations toward pensions quite apart from the problem of corporate governance. As corporate-governance concerns should not exclusively drive pension policy, a brief overview of the broader considerations is in order and it indicates that there is much to recommend the proposed shift in plan type.

Defined contribution plans offer several important advantages over defined benefit plans besides their alleviation of political pressure on fund asset usage. They are:

(1) *Defined contribution plans safeguard pension assets from raids by fiscally troubled states.* States cannot transfer pension assets to general revenues in a defined contribution plan because there are no surplus earnings to raid. All payments by the state immediately enter individual employee accounts and are therefore no longer the fund's property.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(2) *Pensions are also more secure because states cannot underfund such a plan.* Many state defined benefit plans are underfunded (in 1991, for example, 20 state funds were less than 75 percent funded), since ERISA's funding requirements are inapplicable, and the states need only meet current retirees' benefit payments in their annual contributions to the pension funds. In addition, annual contribution levels do not depend on actuarial assumptions that states can manipulate to reduce their annual payments to the plan. The significance of the problem of underfunding depends on workforce demographics as it enables the state to shift current expenses to future taxpayers and thus engage in an intergenerational wealth transfer.

(3) *Defined contribution plan pensions are fully portable if the employee changes jobs, whereas in a defined benefit plan, payments are maximized only by remaining with the firm.* The individual can therefore seek the best employment opportunity without being penalized by suffering a pension reduction.

(4) *Individuals obtain greater choice and control over their pensions since they make the investment decisions concerning their retirement accounts.* This feature of defined contribution plans encourages individuals to plan for retirement. Indeed, in the private sector, the number of options available to employees in defined contribution plans has continually increased due to employee demand for greater choice.

Though there are some drawbacks to defined contribution plans, these are readily addressed. First, employees, not employers, bear the risk of an inadequate accumulation upon retirement. The danger that individuals may therefore invest too cautiously is being rectified by a new breed of consultants who offer investment advice to participants in defined contribution plans. Secondly, the advantage to employees of portability is unwelcome to employers who want to use pension policy to reduce work-force turnover. However, to the extent that the employees who are most valued by the employers are savers, this problem can be solved by paying selectively higher wages to these individuals in the way of matching contributions. These employees will disproportionately value the match and consequently stay with the firm. Finally, the claim that defined benefit plans provide an incentive to retire early be-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cause, unlike a defined contribution plan, the total payout of a defined benefit plan decreases the later an employee retires, is not supported by data. Studies instead indicate that the differential effect on retirement choices of defined benefit plans compared to defined contribution plans is trivial; only the availability of Social Security seems to affect the retirement decision.

Though defined contribution plans are not a perfect policy tool, they have decisive advantages, then, over defined benefit plans. Such pensions are portable and secure and they eliminate state officials' opportunities to conscript pension assets for social investment projects, whether by direct investment or share voting decisions. Instead, the choice is left to the individual. If public employees want to invest their pensions in economically targeted investments, we can expect funds specializing in such investments to emerge as an option for defined contributions, just as socially responsible funds have been introduced in the private sector. These benefits are far greater than any of the potential costs associated with the pensions, such as employee-borne investment risk, increases in employee turnover, and reduced retirement incentives.

The successful severing of public pension fund decisions from political influence by privatizing public pensions effectively eliminates their role in corporate governance. Public funds will no longer directly control any equity assets. The key players from the perspective of corporate governance in such a pension arrangement will be mutual fund managers, who make the investment and voting decisions for the shares their funds hold. Whether financial intermediaries, such as mutual funds in whose investment vehicles public employees place their contributions, would assume a more active role in corporate governance is an open question. However, it is also an open question whether such activity would be for the better of the fund shareholders. At the very least, such a reform will protect public employees' pension assets at the same time it ensures that political influence on corporate governance will be minimized. This is a benefit to us all.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Premodern advice for the postmodern young

STEVEN OZMENT

A GRADUATION-day address at a university like my own (Harvard), where last spring University of Pennsylvania law professor Lani Guinier and Vice President Al Gore were featured speakers, has a familiar theme. In late twentieth-century America, graduating seniors are challenged to fight the good fight for civil rights, gender and sexual equality, a fair sharing of the world's wealth and resources, and in other ways to extend freedom, equality, and prosperity to all people, regardless of race, color, and creed—in a word, to engage in a major moral reconstruction of the world as we know it.

These are the high ideals of an intellectually gifted, materially secure, modern American university. For most of its history, however, and still in a great many places today (China and Singapore come to mind), the human race has acted as if crowd control were a civilized society's most important task. In traditional societies, the young have been reared on principles far more practical, and seemingly modest, than univer-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sal egalitarianism. In western societies before 1700, notions of universal freedom and equality were actually looked on as threats to what little security a society had and to any moral and political progress it might conceivably make. Communities judged themselves not only by what they might do for the weak and the poor but also by how well they prevented the strong and the successful from joining their ranks. Something thought to be more basic and elemental to human life and happiness than freedom and equality has almost always held priority among our ancestors, as well as in most present-day societies. Down through the Middle Ages and into the Renaissance, more often than not, the great problem of life was not to overthrow a tyrant but to find one—that is, to align oneself with someone both powerful and concerned enough to provide security against the many predators ready to take away everything one had, including one's life.

Building infrastructure

Although not always in an actual pre-civilized state, premodern societies were in a pre-civilized state of mind. People in the past never forgot that civilization was a fragile artifact, that they lived on the brink, that virtually overnight they might lose everything they had to disease, famine, war, or foreign invaders. Until just a few hundred years ago, the life span of the average person was under 40 years. Four out of ten Europeans died before age 12. The active period of a person's life was between 18 and 35, after which one was considered to be old. The material conditions of life were harsh, and people understandably thought first and foremost about the fundamentals: food and drink, shelter, warmth, health, and the protection of property and life. To these ends, self-discipline, social order, and loyalty to family and community took precedence over individual liberties and high cultural ideals. Here was the essential "infrastructure" without which a civilization's higher goals could not be reached.

Given the difficult material conditions under which our ancestors lived, parents and teachers had two overriding concerns when they gave advice to a new generation about to be left to its own devices: their physical safety and their vocational success. Premodern parents wanted their children, first,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to survive and, second, to prosper, and they counted themselves blessed if their children turned out to be both healthy and self-supporting. To those seemingly obvious goals, they offered them the wisdom of their age and experience, which, in a nutshell, was this: be vigilant, cooperate with and respect others, and always work hard—advice delivered in a variety of ways through reigning domestic, educational, and religious institutions.

In the past, great feats of cultural creativity—from self-sacrificing acts of charity to dazzling artistic monuments capable of standing the test of time—were seen to depend upon nothing so much as a people's ability to survive and their opportunity to learn and to work. Freedom was not everything; it was the icing on a very large cake. The cake was everything; being safe and being strong were the recognized conditions for the blossoming of a civilization. If people could be guaranteed these things, everything else might follow in due course.

When, in the early sixteenth century, Martin Luther defined the "freedom of a Christian" in his famous essay of that title, he did not call it "one man, one faith," or "the right to assert one's individuality against the dominant culture," or "entitlement to divinely guaranteed benefits and privileges." The free person was, rather, one who understood himself to be "a lord over all and a servant to all." To be free, according to this paradoxical formula, was to be internally certain of one's own righteousness and destiny, and thereby so immune to the fear of failure and the taking of risks that charitable and protective acts on behalf of others might become almost second nature. The free person, in other words, was one who had attained self-knowledge and self-mastery, and thus could move boldly and securely in the world to his own and his neighbor's benefit.

Given the survival and health of their children, parents of old believed that their highest duty to them was to equip them for useful work and self-sufficiency. To that end, vocational training began early in the home for both boys and girls, and children were routinely sent at tender ages (anywhere between nine and fourteen) into service, apprenticeship, or private schooling away from home. There they ob-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

served human nature first hand and learned the vocational skills and social graces needed for a life independent of their parents.

Six commandments

By comparison with a modern commencement address, the advice given the young in premodern society must seem all too dark and somber a message, lacking in both ambition and compassion. For that latter sort of advice is full of talk about self-effacement, restraint, and sacrifice, staying in one's place, not rocking the boat, heeding authority, playing the cards life has dealt one, turning the other cheek, and many another seeming cliché, which a very substantial segment of present-day society eschews, especially at commencement time.

But in doing so, are we ignoring a wise and kind teacher, who is able to console and instruct us in our own present hour of need? Consider the following formula for true manhood, reputedly the most detailed surviving instruction of its kind in sixteenth-century Germany. Written in 1539, it is the advice of a merchant father, Leo Ravensburg, to his 14-year-old son, who was then departing the German city of Augsburg to begin a merchant apprenticeship 300 miles away in the French city of Lyons, an outpost of his father's business. Although written for a son, the virtues here portrayed were then believed to be just as appropriate for young women, and the instruction might as easily have been written for a daughter. The father presented it to his son in the expectation that he would read it often and heed it well.

The father's first counsel to the boy is that he strive to be loyal and obedient to God and his parents, and to any he finds in their place of authority in his life:

> Dear son Christoph, may almighty God grant you good fortune and grace for your journey, so that you may live according to His will and remain true to the favor and love of your father and mother, as a devout and obedient son.... Love God, be mindful of Him, and keep His commandments.
>
> Attend the religious service in the land where you will be, as other devout and honorable people there do. Argue neither a little nor a lot over any matter of faith, for that will only put you at a disadvantage and may even threaten your life.... Buy a Latin prayerbook like those the people there have, and use it so that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

God may help you and you may suffer no want.

Although the boy is Lutheran, the father instructs him to join in the traditional religious services of Lyons, which were Catholic, and in all other respects to follow the example of devout people there. There is no suggestion that the boy ignore the new society and culture in which he will be living, much less any thought of his demanding minority rights of his own within it, or in any way challenging it. Conformity with the host culture was deemed to be essential to his safety and success. Internally, he might well believe and think otherwise, as indeed he did, but he was not in Lyons to enlighten the natives and show them the error of their ways. Attending Catholic religious services also increased his knowledge of French and Latin, while at the same time providing him an occasion to make new contacts with the people of Lyons, important assets for his success.

Simply put, the father's first counsel was: "When in Lyons, do as the Lyonnaise." Abroad in a dangerous world, one was never to make enemies gratuitously, or otherwise to put oneself at risk or disadvantage.

Maintaining the appearance of honesty and good character was the father's second counsel, recommended both for its intrinsic value and its prophylactic qualities:

> Above all else, take care that you do not lie and steal. Should you find yourself alone with the merchants' money or their wares in your hand, don't take anything. It often happens that money or something else is purposefully left as a test for one such as you. So as dear to you as your life and my favor are ... be false to no one about anything....

In premodern society, reputation was everything, and few second chances were given individuals and families who willfully defied community standards. To lose respect in such a rigid social world, where peace and unity depended on nothing so much as the self-discipline and trustworthiness of others, was to forfeit one's moral defenses and invite numerous predators.

Using common sense in matters of physical safety and personal hygiene was the father's third counsel:

> Avoid strong drink by mixing a lot of water in with your wine.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> Resolve not to get drunk either during your journey or after your arrival.... Take care of yourself in this way, so that you may keep your resistance to illness high.
>
> Keep yourself and your clothes clean, and take good care of your belongings.... Keep your feet warm and dry, for the world is an unholy bath, and dry feet will make you less vulnerable to diseases of the foot.
>
> Do not go about the streets at night unless your master sends you out. He will then arrange your outing, so that you may go safely. Many corrupt youth hang out along the Soane and many crimes are committed there.

The premodern world held enough dangers for youth without their falling prey to preventable crime, illness, and death. Alcoholism was of particular concern to parents in this regard, especially in sixteenth-century Germany, where it was comparable to our present-day drug problem.

The father's fourth counsel was that his son keep his eye on his long-term goals, so that he may someday become self-sufficient:

> Concentrate on your needs ... and don't spend money needlessly, because when you are grown and older, you will want and need it.... As you know, great expenditures are now being made on your behalf, and such will also be made on behalf of your siblings, so that after my death, you will have all the less [money]. Therefore ... plan now to be self-supporting, and consider also how you might put yourself in a position to help the children of your brothers and sisters as well [whose godfather the boy was likely to become].

The father's fifth counsel was that his son not fall in love and marry rashly, and that he be wary of sexual temptation and the sexually transmitted diseases which afflict those who succumb:

> Take care in your innocence that you not let yourself be talked into a marriage on your own, or become entrapped [by some woman]. And stay away from dishonest women, so that you do not get pox and the other maladies that flow from such women.

The father feared that his son might incautiously enter, or be tricked into, a clandestine or secret marriage—that is, one undertaken without the advantage of prior parental advice and consent, and thereby unwittingly derail his career, ruin his

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

life, and shame his family. Since the High Middle Ages, the Church, in an enterprising effort to extend its authority over the enormous world of youthful sexuality and family morality, had recognized such private marriages as true and proper in the eyes of God. Quite a few youth took advantage of this option to escape premodern society's rigid sexual regulations. But a frequent result was a lawsuit filed by a pregnant girl against an accused lad, who could not recall ever having promised to marry her. Sometimes, the evidence proved sufficient to force the accused into marriage, which was the father's fear should his son be too headstrong or casual in matters of the heart. And no more than he wanted his son to become trapped in an immature marriage did he want him to fall prey to the newly imported and barely treatable venereal disease of syphilis, then reaching epidemic proportions in parts of western Europe.

The father's final counsel to his son is also one a modern parent can relate to: Don't forget us!

> Write often to me and your mother, and let me know what kind of master you have there, what his name is, what he does, how many servants he has, and how he treats you.

By such advice, sixteenth-century parents and teachers attempted to secure the moral and political foundations of their societies: loyalty and obedience, honesty and good character, vigilance and common sense, clear life goals, self-sufficiency, mature marriages, and remembrance of one's origins. It was by such individual personal discipline, they believed, that a civil society survived and flourished. In this undertaking, the young were spared unrealistic ideals and pipe dreams, whose predictable non-realization was known both to demoralize them and to divide the generations. The new generation would instead be challenged to do for itself and for society what good character and sound judgment proposed and made possible.

Caning in school

In subsequent centuries down to our own, parents and guardians, both ordinary and famous, have independently echoed and elaborated the counsel of Leo Ravensburg. There are few parental or childhood rites of passage which our ancestors did

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not carefully observe and confidently analyze. For them, parenting was society's highest art and science, and no other challenged so deeply the heart and the mind. When, in their attempts to guide their children and wards through adolescence and youth, they found them stumbling on the vocational tracks so carefully laid for them, the experience could be as devastating to the adults as a child's death. A seventeenth-century English father comments on a wayward son, who had walked away from an apprenticeship which promised him a secure future: "This night I had a letter ... which brought me the saddest news that ever I had in my life, namely of the miscarriage of Daniel.... It is a great sorrow, bitter; [it] reaches to the very heart."

Parents and guardians did not surrender passively to the self-defeating folly of the young. In 1687, Mary Woodforde, the wife of a retired Anglican clergyman, received the news that her son John faced expulsion from college, and with it the likely loss of his planned career. The boy had been caught writing frivolous rhymes, and although warned not to do so again, and solemnly promising that he would not, he and others were caught red-handed a second time. The punishment for not keeping their word was a caning. However, John and several of his comrades refused to submit to it, and that defiance now brought the threat of their expulsion.

Gathering her religious faith and sense of parental duty, Mrs. Woodforde implored both God and her husband to make the boy, for the sake of his character and career, change his mind and take his punishment like a man. Here is how she records the episode in her diary:

> March 6 [1687]. This evening I had the cutting news that my second boy John was in rebellion at the College at Winton, where he and all his companions ... [having been] called to be whipped for [writing forbidden verses], several of them refused to be punished ... [and] must now be expelled [if they do not submit]. God I beseech thee of thy great mercy to subdue all their stubborn hearts, and to give them grace to repent and accept the punishment due for their fault, and not to let them run to ruin, for Christ's sake.

Two days later, following the father's visit to the school, Mrs. Woodforde joyfully recorded the boy's caning. Her will-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ingness, even insistence, that he accept such punishment was a decision few contemporary parents would have questioned, or, for that matter, even faced. For long before they found themselves in so dire a state, parents had at their disposal a great arsenal of arguments and appeals to steady shaky children and keep them on the strait and narrow path to maturity and success.

Tough love at home

If behavior and relationships at school could make or break a young person's career, so also could those within one's own household. The dysfunctional family was no stranger to the past but neither were clever and determined efforts to fix it. The German philosopher Johann Georg Hamann (1730-1788) was the head of such a family. Among his four children by his common-law wife was a single son, Johann Michael, with whom he struggled for years. In the boy's late teens, he sent him to live with a friend, where he might continue his schooling in a more hospitable environment. The decision had been taken as much to remove the boy from the household as to further his education, so strained had the relationship between father and son become.

On the day after the boy's departure, the senior Hamann discovered many of his own books and papers trashed and scattered about the boy's room, among them a coveted unbound volume of Shakespeare covered with dust and filth. The father also found an untouched glass of beer under the boy's bed—a departing gesture of disrespect, according to the father, as nocturnal drinking had been repeatedly forbidden him. According to the father, the emptiness the boy was trying unsuccessfully to fill by drinking was an unquenchable "desire for the forbidden," which became the subject on which the father lectured him by letter upon the boy's arrival at his new residence in Graventhin:

> I know how much the bewitching sin of disobedience has reigned in my house, and how little influence the promises of the fourth commandment ["Honor your father and mother, that your days may be long"] have had on your sentiments and behavior, despite my pleas.... But given the choice between two evils, I prefer your frank disobedience to deceitful and slavish lip-service. If you do

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> not fear God, why should it matter to me, if you despise and mock me as well? If you don't love God, I have no desire to be your idol! Johann Michael, if you can so soon forget your baptismal covenant and the vows sanctioned by your confirmation, you can also forget all my teaching—and you may expect no new instruction from me.

Like the philosopher Hamann, other parents over the centuries have responded to defiant and ne'er-do-well children far more often with forbearance and fresh opportunity than with a quick and final washing of their hands of them. These same parents have also believed deeply in the redemptive power of "tough love," particularly when the point of no return between parent and child seemed to have been reached. The famous mathematician and astronomer Carl Friedrich Gauss (1777-1855) struggled for years with his son Eugen, a failure at the university and at everything else he attempted. At the age of 21, the boy migrated to America, where, arriving broke and unable to find work, he joined the military, only soon to discover that he was also not cut out for the soldier's life. Once again, he turned to his father for quick rescue and support, begging the senior Gauss to make it possible for him to muster out immediately.

The father instead pointed out the advantages of his present circumstances, suggesting that he might view them as his last and best opportunity to learn one of life's most important lessons:

> I can only view your repeated demand to be free from the profession of arms as groundless, wrong-headed, and contrary to your own best interests, hence, one I dare not grant.... You yourself must agree that suddenly to be free from your present circumstances would only throw you back up in the air. You have yourself blocked forever the return to Europe, since your entire life up to now, with all the circumstances, is everywhere here all too well known. And as much as I know about the latter, just as little do I know what you should do in America, were you free to come and go as you please. Only one thing is clear: your desultory dawdling must now end once and for all....
>
> Meanwhile, womanish wailing over the difficulty of a situation you alone, heedless of all restraint, have created will find only a deaf ear with your father. On the other hand, proof that you are confronting the situation sensibly, that you recognize it to be a school for self-improvement and are making the most of it to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> prepare yourself for a new life in the New World—that will find an open ear with your father. When I speak of a new life, I mean one in which industry, moderation, prudence, good order, and honesty become second nature to you, and you find it within your power, for the first time, to be a useful and successful citizen of the world.

The senior Gauss had a still stiffer dose of "tough love" for young Eugen. He informed him of the recent death of his mother and, contrary to what the boy might reasonably have expected, of a tidy maternal inheritance of 4,500 taler. However, the inheritance would become his only at set times in the future and upon his fulfillment of certain conditions. He might collect the accumulated interest after six years (in 1838), if he could provide proof of self-improvement; and the capital would become his five years after that (in 1843), upon submission of proof that he was self-employed and prospering.

Sex education

As with the rearing of sons, no parental action was believed to contribute more to the fitness and success of a daughter than laying a sure spiritual foundation early in life. More so than boys, girls had to rely on their piety and diligence to escape the many temptations threatening character and reputation. Boys, by contrast, had greater civic, educational, and vocational opportunities, from which they might fashion a more varied weaponry against such hazards. In certain instances, the double standards of the past proved to be more forgiving of boys as well, even though society was inclined to view girls as the weaker sex and rather to expect their lapsing.

The ability to negotiate a man's world without coming to harm was a skill parents prized in their daughters. That they pondered it deeply and communicated it well to them is suggested by a late eighteenth-century Edinburgh physician's instructions on the conduct becoming a woman when she enters the company of men:

> Converse with men, even of the first rank, with that dignified modesty which may prevent the approach of the most distant familiarity, and consequently prevent them from feeling themselves to be your superiors. Wit is the most dangerous talent you can possess. It must be guarded with great discretion and good

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> nature, otherwise it will create you many enemies. [For while it] is perfectly consistent with softness and delicacy ... it is so flattering to vanity that those who possess it [can] become intoxicated with it and lose all self-command. Humour is a different quality. It will make your company much solicited, but ... it is often a great enemy to delicacy, and a still greater one to dignity of character. It may sometimes gain you applause, but it will never procure you respect. [Also] be ever cautious in displaying your good sense, or it will be thought that you assume a superiority over the rest of your company. And if you happen to have any learning, keep it a profound secret, especially from the men who generally look with a jealous and malignant eye on a woman of great parts and a cultivated understanding.

Parents worried as much about the despoliation of sons by loose women as they did about daughters by clever men. When the seventeen-year-old son of Christian Körner (1756-1831) entered the mountaineering school in Freiberg, his father sent him the following reflections on the rewards of sexual abstinence and purity:

> I hear much about the corruption of morals in Freiberg and of the enticements of immoral prostitutes there. But I am not now worried about you; you have a natural aversion to depravity, which will not allow you to succumb to the temptations of libertines, who wish to teach you their ways. I have observed with delight the respect you have for the female gender and how receptive you are to its charms. Such esteem for women is a good defense against the excesses of raw sensuality. Happy is the man who can one day stand before his beloved with a pure soul and an unimpaired body! You know the popular poem, "He who never in the lap of lust [has lain]...." Your [mother] and father have never regretted that they refused to reduce themselves to animals and saved the highest sensual pleasure for the moment when it could be ennobled by the union of [their] souls.

Realistic expectations

In the annals of advice to the young, the adult world has traditionally dwelt on the "infrastructure" deemed essential to a sound body, a healthy ego, and a good soul. The incessant instructions on diet and hygiene, discipline and obedience, frugality and moderation, deference and discretion, devotion and gratitude, have all been part of the necessary maintenance. As harsh as the advice of the past may at times appear to a modern reader, those who gave it did so confidently in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the belief that they were kind and knowing guardians of civilization's core. They drew that conclusion because they did not consider their counsel to be only one generation's experience but the collective wisdom of humankind since antiquity. Here, in a word, were the basic rules of life, the recurring lessons of the ages, a true description of the way things were and would most likely continue to be.

If, by some magical means of time travel, the parents and educators who have spoken in these pages could attend spring commencement and senior-day addresses at a modern university like my own, they would find the goals we set for our young on these solemn occasions grandiose and ambitious beyond youth's ability. Only rarely in the past has the adult world plied their children with such lofty ideals and sent them forth on such foolhardy moral crusades, as we do today. That kind of advice, it was feared, did not equip the young honestly for real life and even threatened to leave them demoralized and defeated, as their reach proved ever so surely to exceed their grasp.

But what would most disturb our visitors from the past would be the folly of advising the young to right a world before they had mastered themselves. Traditionally, the latter task has been accepted as the one reform on whose success all other lasting societal progress depends. And unlike large-scale moral remodeling of the world, individual self-mastery is a highly doable task. When properly equipped, the young can apply themselves to it without facing demoralization and abject defeat, and become in the process effective agents of civilization's necessary chores and realistic dreams.

Parents and educators in the past did not put the cart before the horse, superstructure ahead of infrastructure. They believed that a society's success depended on nothing so much as a consensus on what the "first things" are and a moral commitment to keep them strong. For a society could only be as smart and foresightful, as disciplined and productive, as secure and charitable, as its individual members. To that end, our ancestors subjected the young at an early age to a demanding educational, moral, and spiritual regimen, which spared them neither swift punishment nor stubborn love. They also introduced them as honestly to the dark side of human nature

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as to its bright, to society's limitations as well as to its powers of self-transcendence, believing that to awaken the young from unrealistic dreams was not to interrupt their sleep but to save them from nightmares.

Fortunately for themselves and for society, many of those who will be graduating this spring already know the difference between impossible and realistic dreams. For as long as there have been sources to document it, youth have rebelled against the world of their parents whenever the latter has seemed to them to be uncertain of itself and ineffectual, or has left the young feeling confined, tyrannized, or hopeless. In such circumstances, youth have demonstrated an ability to imagine their own better world and to make a stab at realizing their own dreams. What every new generation needs most from the adult world is not the latter's guilty conscience and fantasies of redemption, but the basic skills and virtues that enable it to create an independent and worthy life of its own.

References

Beyschlag, F., ed. "Ein Vater an seinen Sohn (1539)." *Archiv für Kulturgeschichte.* (1906) 4:296-302.

Hoffman, Erika, ed. *Briefe grosser Deutscher an Kinder: Deutsche Männer schreiben an Kinder.* Berlin: 1943.

Houlbrooke, Ralph, ed. *English Family Life, 1576-1716: An Anthology From Diaries.* Oxford: 1989.

Pollock, Linda, ed. *A Lasting Relationship: Parents and Children Over Three Centuries.* London: 1987.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mainstreaming Kwanzaa

ANNA DAY WILDE

RALPH Kennedy, a manager at IBM who lives in Cambridge, Massachusetts, has celebrated the African-American holiday Kwanzaa since 1974. When he started, he says, "there was a great deal of active discussion going on about the tendency or lack of tendency of people of color to come together as extended family." It was out of a desire to bring their relatives and friends together that he and his wife initiated their Kwanzaa celebration.

In his home, the observance is a graceful and intimate one, having grown through the years to include about 40 family members and friends. "How we use it is our own tradition," he says. Guests, most with small children, bring food for a communal feast. After the meal, the families gather in the living room, and adults are asked to read a poem or other work that has moved them in the past year, or tell a story they would like to share with the others in the room. Many read from authors such as Nikki Giovanni and the poet LeRoi Jones; others tell personal stories, mostly of experiences mean-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ingful to them in terms of family or history. A "unity cup" is passed around, and celebrants are asked to pay tribute to a relative or African or African-American leader who has touched their lives. The tributes and stories "get quite poignant," Kennedy says, with people telling of their lost grandparents and other relatives.

After the tributes, the children light candles and explain the values of Kwanzaa, which center around community, family, and creativity. The Kennedys' Kwanzaa tradition sounds almost perfect. What could be wrong with a holiday apparently embodying so much of what Dan Quayle, certain popular television sit-coms, James Q. Wilson, and public-opinion polls seem to agree are called "American values"?

Unfortunately, not all examples of the holiday's rapidly expanding observance are so positive. Arthur Hardy, the child of an African-American father and a white mother, left crying from a Kwanzaa celebration at the Roxbury Boys and Girls Club in Boston in December 1993. His mother, along with several white journalists, had been asked to leave the event in order to preserve its "African-ness." "I don't go to Hanukkah events because they're for Jewish families to come together. I wouldn't go to Hanukkah because I wouldn't feel welcome," Sadiki Kambon, who chairs the Boston Community Kwanzaa committee, told the *Boston Globe*. "Seven days, that's all we ask for," added another organizer of the celebration, Zakiya Alake. "This is a closed event. It's a time we come together to affirm our African-ness."

Kambon was quickly repudiated by Kwanzaa organizers and authorities nationwide and, a few days later, the policy of exclusion was reversed. Yet, the incident reveals tensions inherent in this holiday, whose changing nature has brought it in 28 years from a fringe observance invented by a black nationalist leader to an increasingly mainstream event celebrated by between five and eighteen million blacks worldwide, a majority of them middle or upper-middle class. The question is not simply what has fueled its undoubted success but whether it is the Kennedys' Kwanzaa or Kambon's Kwanzaa that represents the essence of the holiday. In a broader context, the question of Kwanzaa is the same that many pose about other "multicultural" efforts and claims regarding the importance of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ethnic identity: Do these initiatives, in the classroom and in popular culture, more truly represent pride or cultural chauvinism?

Anatomy of a holiday

Since Kwanzaa is a new tradition, there has been a proliferation of books on the meaning and rituals for the prospective celebrant. The most authoritative work currently available is *The African American Holiday of Kwanzaa*, written by the holiday's inventor, Maulana Karenga. It details at length the African links of the holiday and its proper observance. Two other books aimed at adults, Cedric McClester's *Kwanzaa: Everything You Always Wanted to Know But Didn't Know Where to Ask*, and *New York Times Magazine* editor Eric Copage's *Kwanzaa: An African-American Celebration of Culture and Cooking*, give variations on Karenga's material but with less academic jargon.

The name "Kwanzaa" perfectly exemplifies the holiday's origins as a "product of creative cultural synthesis," or a combination of creator Karenga's imagination and ideas drawn from African and African-American traditions. It is a made-up word, from the Swahili phrase *matunda ya kwanza*, which, according to Karenga, means "first fruits"; an extra "a," he writes, "has become convention," though he does not explain precisely why. The basis for the holiday is not a single observance celebrated by any one African people or nation but an amalgam of several harvest festivals. He explains that "the values and principles of Kwanzaa are selected from peoples from all parts of Africa—South and North, West and East—in a true spirit of Pan-Africanism."

The fundamental creed of Kwanzaa, the *Nguzo Saba* (seven principles), emerges from the basic values Karenga sees embodied in the harvest festivals. These are: *umoja* (unity), *kujichagulia* (self-determination), *ujima* (collective work and responsibility), *ujamaa* (cooperative economics), *nia* (purpose), *kuumba* (creativity), and *imani* (faith). These values are celebrated over seven days and nights, from December 26 through January 1, with each day dedicated to one of the seven principles. Most households light a candle each night in honor of the principle of the day. The candles (called *mishumaa saba*)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are black (representing the African people), red (representing their struggles), and green (representing both Africa itself and the hope for deliverance after the struggles) and are placed in a simple seven-candle holder called a *kinara*.

The rituals as explained by Karenga also require fruits and vegetables, each identified by its Swahili name and symbolizing "the rewards of collective productive labor" (*mazao*), a straw mat representing tradition or history (*mkeka*), ears of corn equaling the number of children in the family (*vibunzi*), and simple, homemade gifts emphasizing education and African culture (*zawadi*). The *kinara* is placed on the straw mat amidst a display of the fruits, vegetables, and ears of corn. Gifts can be given each night or just on the final, climactic night of December 31, when family members are supposed to gather for a communal feast (*karamu*). The feast usually includes a tribute to ancestors and African-American historical figures, along with several points of "creative expression" and a speech by a guest lecturer, generally on African or African-American topics.

While these are the basic aspects of Kwanzaa, observances vary widely, from small, family gatherings to larger groups of several families to huge community Kwanzaa events, like the one in Boston in 1993, which drew 4,000. A common feature in some of the larger ceremonies is a name-changing, from a "slave name" to an African one selected by the participant.

From radical to mainstream

Kwanzaa was launched in the aftermath of the Watts riots by Karenga, then a graduate student and black nationalist leader allied with LeRoi Jones (who by then had changed his name to Amiri Baraka). Karenga founded the US (as opposed to "them") organization in 1965, a group dedicated to the "creation, recreation and circulation of Afro-American culture ... the fact that we are Black is our ultimate reality." Karenga's Afrocentric and anti-white rhetoric was not always soothing:

> The more you learn, the more resentful you are of this white man. Then you see how he's tricking your people, emasculating your men, raping your women and using his power to keep you down. The white boy has been waging a race war since he has been here.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kwanzaa was an attempt "to reaffirm African culture," Karenga explained in a recent interview. However, "it was at the same time a political act of self-determination. The question is how to make our own unique culture. We were talking about re-Africanization." The first celebration drew only a few hundred people, mainly members of US, and the second a mere 200. In the years after its invention, Karenga spoke around the country to black groups, pushing the holiday, and Baraka brought it to thousands of activists at Congress of African Peoples' meetings. There was, however, a lull from 1971 to 1975, when Karenga's movement went underground while he served a prison term for ordering the beating of a woman, according to newspaper accounts.

The holiday has been transformed in the 25 years since its original conception, and many of its celebrants today bear little resemblance to the revolutionaries of the late 1960s. It is a change of which Karenga himself has been quite aware. "This book on Kwanzaa is clearly a different book than the one I wrote previously," he admits in the preface to the 1988 book, *The African American Holiday of Kwanzaa*:

> It is void of the polemical style and content and is directed not toward specific segments of the African American movement as before, but rather to a wider audience. I realize that Kwanzaa has become a vital part of the lives of millions of African Americans who may or may not be in the Movement but nevertheless are very interested in and committed to Kwanzaa.

There is little firm demographic data on who celebrates Kwanzaa. However, anecdotal evidence strongly indicates that celebrants are just as, if not more, likely to resemble *The Cosby Show*'s Huxtable family than the Black Panthers. Henry Louis Gates, Jr., Harvard's W.E.B. DuBois Professor of the Humanities, sees Kwanzaa as a largely middle-class phenomenon. His point was echoed in a *Time* magazine article on the holiday, which concluded, "No one knows precisely how many people observe Kwanzaa, but its biggest boosters are middle-class professionals seeking to give their children a sense of black pride."

The most obvious and well-documented evidence of the middle-class nature of Kwanzaa has been the holiday's widespread commercialization. Perhaps the most dramatic manifes-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tation of the Kwanzaa marketing juggernaut is the appearance of convention-center gatherings of merchants peddling Afrocentric goods and art, known as "Kwanzaa Expos." For example, the Kwanzaa Expo in St. Louis, Missouri, is eight years old and draws about 220 merchants and 35,000 people over a two-day period. Its founder, Malik Ahmed, has called it the perfect embodiment of *ujamaa*, or "cooperative economics." The biggest expo in 1993, in New York City, had to move into the Jacob Javits Convention Center to accommodate 300 merchants and approximately 50,000 visitors. The expo, which began as a small gathering in a Harlem school in 1981, now draws corporate America in force: Anheuser-Busch, Pepsi-Cola, Revlon, Chemical Bank, AT&T, and Time-Life Books all have booths.

These companies were not the only ones paying tribute to the formidable spending clout of the middle-class black community, which supports a national market for Kwanzaa goods estimated to be worth as much as $100 million. The holiday could no longer be considered a fringe phenomenon when, in 1992, Hallmark began offering Kwanzaa cards. Woolworth's has also started running Kwanzaa promotions, as have J.C. Penney, Sears, Spiegel, and Montgomery Ward. Kwanzaa even has a video, entitled *Kwanzaa: An African-American Cultural Holiday*.

To further promote the holiday, Cedric McClester created a black Santa Claus, a griot named Nia Umoja, who tells children of the seven principles. Pop musician Imhotep Gary Byrd added the official Kwanzaa song, *Kwanzaa Nguzo Saba*, which has been described as a "rich, rhythmic melody supplemented by gospel vocals." Ironically enough, although many Kwanzaa celebrants observe Christmas, the reason often given for partaking in Kwanzaa is the "growing commercialism" of the Christian holiday.

Purists do not always approve of the spread and commercialization of the holiday. "These things are going to happen, just as they have with Christmas, Chinese New Year and Hanukkah," an official at Karenga's African American Cultural Center told *Time*. Those who defend the commercialism, like McClester (who is spokesperson for the New York Kwanzaa Expo), say it is justified by *ujamaa*. "There is no problem with

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

commercializing it, but who will be the benefactors of the commercialization?" he asked, before suggesting that "it should be people of African descent, not just corporate America."

Other mainstream institutions have also embraced Kwanzaa on a large scale. Many museums, for instance, offer Kwanzaa workshops or exhibits, including the American Museum of Natural History in Washington, D.C. Joanne Rizzi, co-director of the multicultural program at the Children's Museum of Boston, says her museum has done a Kwanzaa exhibit for many years, in the last five as part of an exhibit called "Winter Celebrations" about Kwanzaa, Hanukkah, and Christmas. Many black churches are also offering Kwanzaa celebrations, and one specialist in African religions has gone so far as to publish a liturgy entitled "ChristKwanzaa." In Atlanta's Providence Baptist Church, Reverend Gerald Durley has used Kwanzaa as "rite of passage" for young men in the church.

The mainstreaming of the holiday is easily traced in major newspapers and magazines. Kwanzaa has received increasingly heavy coverage in the nation's major newspapers, beginning with a small trickle of prose in the late 1970s and intensifying into a flood in the late 1980s and early 1990s, as the holiday gained wider appeal. It seems as though each December, every newspaper feels compelled to do a new "trends" article on the spread of Kwanzaa, often coupled with suggested recipes or accessories such as room decor. In 1993 in particular, Kwanzaa features—food sections, book reviews, editorials, and shopping guides—were ubiquitous around the winter holiday season. This is scarcely the treatment the press seems likely to give a phenomenon limited to a controversial "revolutionary" element of a minority community.

A middle-class holiday?

The changing celebration patterns of Kwanzaa reflect national patterns in America, notably the rise of the black middle class and the simultaneous popularization in the 1980s and 1990s of a "multicultural" ideal in which people reassert themselves as members of ethnic minorities instead of aspiring to integration into the "majority culture." In the late 1960s, Kwanzaa was a manifestation of the black separatism of that decade, a backlash by "revolutionaries" against what was seen

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as the failed integrationism of the "black bourgeoisie," or "white-oriented, schizophrenic freaks," in the words of LeRoi Jones. During this period, the black middle class was on the rise: The percentage of middle-class blacks approximately doubled between 1960 and 1970, according to one historian. The overlap between this growing middle class and the celebrants of Kwanzaa in its early days was very small, however. There was a stark contrast in the two approaches to race relations, between the integrationism of the growing middle class and the separatism of the "revolutionaries."

However, a substantial percentage of these middle-class, integrationist, "successful" blacks are today still living in segregated housing. Beginning in the late 1980s and early 1990s, it became evident that, despite the swelling of the black middle class, racism is still a problem for them. Eric Copage links the celebration of Kwanzaa partially to these difficulties faced by middle-class African Americans working in integrated environments: "It's a way of saying there are other parts of our history.... Especially when you're in a white environment, it's a way of reminding yourself who you are and staying focused."

Henry Louis Gates suggests that the rise of Kwanzaa among those who once seemed unlikely to embrace it is connected to the emergence of a black middle class, which, because of its integration into white America, feels alienated from black culture. "We were the first large-scale number of black people to come to historically white institutions," he says of his own generation. "There is a resulting cultural alienation." Successful blacks can feel "the guilt of the survivor," and they do things like wear kente cloth as a way of "remaining black." K. Anthony Appiah, a professor of Afro-American studies and philosophy at Harvard, agrees with Gates:

> African American culture is so strongly identified with a culture of poverty and degradation ... you have a greater investment, as it were, more to prove [if you are middle class], so Kwanzaa and kente cloth are part of proving you're not running away from being black, which is what you're likely to be accused of by other blacks.

This reclaiming of, and pride in, ethnic roots is not a new phenomenon, but it is a growing one among all American ethnic groups and might well have dangerous implications.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Historian Arthur Schlesinger writes:

> A cult of ethnicity has arisen both among non-Anglo whites and among nonwhite minorities to denounce the idea of a melting pot, to challenge the concept of "one people," and to protect, promote and perpetuate separate ethnic and racial communities.

That this "cult" exists among those who have succeeded economically through integration is hard to doubt, with children of the most elite of the middle-class African Americans wearing "X" hats, calls for Afro-American studies, and cheers for Nation of Islam speakers on their campuses.

Kwanzaa in the schools

Perhaps the best place to explore Kwanzaa as part of the rise of multiculturalism is where the battle over pluralistic ideals is being fought most intensely—in the schools. Nationwide statistics for the observance of Kwanzaa in the schools are hard to find, but newspaper articles provide evidence that "progressive" districts everywhere have found the holiday a welcome addition to efforts to bring diversity to their curricula.

The schools of Cambridge, Massachusetts, provide an interesting case study of the holiday's use in the classroom, based on interviews done last year. According to Shelley Wortis, co-chair of the Cambridge schools' Multicultural Committee, "people began to be more aware of Kwanzaa" as an educational aid in the late 1980s and early 1990s. Nearly all teachers observe the holiday in conjunction with Hanukkah and Christmas, according to Wortis and Gail Sullivan, director of social studies curricula for the town of Brookline, Massachusetts.

The teachers and school officials give many reasons for bringing the African-American holiday into their classrooms. "I would say the main purpose is to make sure the black community knows about the African culture and the African-American culture," says one teacher. Another celebrates it with her students because "the values are so universal." Still another teacher explains that "it's important for all cultures to know about each other. It's everybody's culture that needs to be affirmed." Ann Bolger, who is the parent coordinator in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Gramm-Parks school, adds that the goals of these teachers are to "make every child feel ... validated, make them feel good about who they are."

The teachers' reasons for bringing Kwanzaa into the classroom are a good example of the wider debate over multicultural education in the schools. Writing in the *American Scholar* in 1990, Diane Ravitch, a fellow at the Brookings Institution, advocated a vision of "cultural democracy," or "pluralist multiculturalism," in which children would learn the "warts and all" history of American ethnic groups and "listen to a diversity of voices in order to understand our culture, past and present." Molefi Kete Asante, professor of African-American studies at Temple University and author of the 1992 book *Afrocentricity*, responded with the "Afrocentric" (and Latinocentric, and Americocentric, he clarifies) defense of a scholarship "presenting the African as subject, rather than object," and showing black children especially a vision of African culture and achievement in mathematics, science, and other fields.

The battle over the place of Kwanzaa in the public schools reflects this tension: Is Kwanzaa part of an effort to teach children about a "diversity of voices" or a vehicle for making black children feel pride in their ethnicity? According to Sandra Stotsky, editor of *Research in the Teaching of English*, the goal should not be the divisive one of "degrading or diminishing mainstream culture, by trying to elevate a so-called minority group." Regarding Kwanzaa, she explains that, "if it has no real academic value, if children are spending time on something devised by a graduate student with no more academic context," it deserves little class time.

In this sense, the Cambridge public schools' Kwanzaa celebrations appear generally to fall short. Many classrooms celebrate the holiday with parties, not history books. Several teachers and officials concede that the reason for Kwanzaa in the classroom is, indeed, to make black students feel "validated" as blacks. When one teacher says she uses Kwanzaa because "its important for kids to know themselves as a more capable, centered person," is that a valid (or possible) pedagogical goal? Perhaps it is, but the value of such labor may be undermined by those more interested in using the holiday to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

emphasize exclusive Afrocentrism than to teach all children their own history and that of their fellow students.

Kwanzaa and pluralism

Is, then, Kwanzaa a positive step for blacks, or is it simply a force for divisiveness? As Philip Gleason, in an essay in the 1992 book *Concepts of Ethnicity*, observed of ethnocentrists such as Asante and Karenga, "the approach implicitly denies that there can be a unitary American identity based upon common assent to universalist principles, an identity that makes Americans one people despite differences of ethnic derivation." Karenga himself states that Kwanzaa "speaks to the people's need for cultural and spiritual grounding from an Afrocentric perspective." He wouldn't try to celebrate Hanukkah, he says, implying that white people should not try to observe someone else's holiday. Indeed, the Black Community Information Center, which sponsored the Roxbury Kwanzaa, had on its answering machine an advertisement for a scheduled speech by the anti-Semitic Nation of Islam spokesman Khalid Muhammad.

However, the holiday has gone beyond Karenga and the political forces that created it, and its middle-class celebrants cannot be assumed to endorse any such sentiments. Kwanzaa is now a part of the commercial, educational, and cultural mainstream. It is an American phenomenon—what other nation could generate what Appiah calls the "kitsch Africana" of items like authentic J.C. Penney kente cloth garments? The holiday involves people of all races, despite the efforts of some exclusionists. In fact, many of the teachers who use Kwanzaa in the classroom are white, and many celebrants echo the sentiments of Ramon Wigfell, a manager at Gallery African in Washington, D.C., who says: "We find more Europeans taking an interest in Kwanzaa. We like that. Being able to understand other cultures will help us get along with each other."

Kwanzaa is essentially an effort on the part of African Americans to create community cohesiveness, though still unfortunately coupled in some cases with anti-white feeling. Most African Americans view Kwanzaa not as an opportunity to bash whites but as a force for oneness among blacks. Admit-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tedly, the resulting positive effects seem to be largely limited to the middle class at this point, not necessarily the underclass which seems to need it most, but strengthening such ties at any level can be valuable.

This class orientation limits the extent to which Kwanzaa is a positive influence in the black community as a whole. However, the hope is that the positive values Kwanzaa articulates can become a force, not just to enable families like the Kennedys to see 40 relatives a year but to encourage members of the underclass to do the same. There is no real evidence that it has done so in any widespread way (and certainly not the way actual inner-city jobs or effective educational opportunities would), but that does not mean that the holiday is unnecessary. It remains to be seen how widely underprivileged communities will celebrate Kwanzaa in the coming years. There are potential benefits if they do, particularly since Kwanzaa undoubtedly has a more positive ethnic message than rapper Ice-T's "Cop Killer" or Khalid Muhammad.

Kwanzaa is not just a device for hostile separatism, as it may have been when it started, but can also be seen as a force for a cooperative, "pluralist" society approaching the American ideal. As the ubiquitous slogan has it, "one, and yet many."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Crime stories

CHARLES LOGAN

FOR over two decades, James Q. Wilson—whom *Wall Street Journal* columnist Paul Gigot recently called "the best social scientist in America"—has been teaching us how to think about crime and justice. In *Crime*,† Wilson has joined forces with Joan Petersilia, past president of the American Society of Criminology and former director of the Criminal Justice Program at RAND, to produce a collection of writings that transcends ideology (Wilson is conservative, Petersilia liberal) and is as comprehensive and authoritative as its ambitious title implies.

Leading experts summarize what we know and don't know: about crime rates (with international comparisons); about criminals as individuals (psychological and biomedical factors); about juvenile offenders and gangs; about the social context of crime (the effects of family, schools, labor markets, community characteristics, and the media); and about strategies for crime control (gun control, alcohol and drug policy, target hardening, police, prosecution, sentencing, prisons, and community corrections). One chapter discusses limits to any direct federal role in crime control, while another urges greater investment in criminal-justice research. In a concluding chapter, Wilson ranges broadly but concisely through all these topics in what several independent commentators have referred to as his finest essay yet on crime and public policy. There can be little doubt that this book will soon, and long, be regarded as the most definitive source of references to the policy-oriented literature on crime and justice.

The premise of the book appears to be that rational, scientific, and empirical research will eventually produce a consensus on solutions to problems of criminal justice. Interestingly, the occasion that inspired Gigot's praise of Wilson was a speech

†ICS Press. 650 pp. $69.95.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to the Manhattan Institute, in which Wilson began by declaring that he really did not know what to do (about welfare, in that case, but he might just as well have been speaking of crime) and doubting that anyone else did either. That sentiment is echoed throughout the Wilson and Petersilia reader by contributors who are careful and realistic in their assessments of what is truly known on their respective topics. The question this raises is: What good is an authoritative consensus among experts who really don't know what to do?

CRIMINAL-justice researchers, like all social scientists, have a strong interest in reinforcing the belief that social policy should be grounded on research. They naturally incline toward a utilitarian approach to policy, toward asking "What works?" rather than "What is right, or just?" The contributors to this volume are committed to the quest for objective answers to policy questions, based on theory and data. But that may be a hopeless quest when dealing with matters like crime and punishment, which are ultimately moral, not scientific, problems. One reason why the field of criminology is so filled with disputation over theory, facts, and interpretations is precisely because the disputants are approaching questions of value as though they were questions of fact.

The irony is that criminologists, along with every other subgroup of society, might find greater consensus if they faced the questions of value head on. There actually may be more agreement over "what's right" than there is over "what works." Those who dispute the effectiveness of imprisonment, for example, will more often agree on what acts deserve imprisonment as a form of punishment, and on which acts deserve longer or shorter imprisonment, than on the rehabilitative, incapacitative, or deterrent effects of incarceration on future acts of that type. Likewise, it is hard to find anyone on either side of the gun-control debate who does not regard the use of a gun to rob, rape, assault, or kill as a very serious crime deserving of significant punishment.

Within the general public, research has shown an astonishing degree of consistency, across many otherwise divergent groups (and even across cultures), in rankings of crimes according to seriousness. Recent research has also found broad agreement on the justice side of the crime-and-justice equation (specifically, on what kinds of criminal acts deserve at least some period of confinement in jail or prison as part of the punishment).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

By turning moral issues like justice into seemingly scientific questions, criminologists control the terms of the debate. Thus, even when they modestly admit their ignorance, they can claim special access to "the latest and best available evidence" by virtue of their participation in a collective enterprise (science) in which knowledge is steadily accumulating and improving. And yet, apart from their self-interest in mandating more research, and apart from confidence or optimism about their ever-expanding knowledge and technical abilities, criminal-justice researchers appear also to have an inflated opinion of their own moral compasses.

Thus, the author of the chapter on prisons expresses a desire to move sentencing policy out of "the rabid political arena" and into an arena where academic researchers can have more influence, such as the inner workings of a sentencing commission. Well, the political arena *can* be rabid, and sentencing commissions are a good idea, but their task should be that of constructing a philosophically and morally coherent punishment structure, not that of designing a rational tool for social control. If they need guidance and discipline from any professional group, it might be from philosophers and logicians, but they should use the public and not the academy of criminal-justice scientists as their moral center.

IN his concluding essay, Wilson reflects upon the correlation between freedom, crime, and crime control. With freedom comes prosperity, mobility, rapid change, and emancipation from

> those ancient bonds of custom, family, and village that once held in check both some of our better and many of our worst impulses. The power of the state has been weakened, the status of children elevated, and the opportunity for adventure expanded; as a consequence we have experienced an explosion of artistic creativity, entrepreneurial zeal, political experimentation—and criminal activity.

Wilson suggests that the formal mechanisms of criminal justice are forced to step into the vacuum left by the erosion of informal institutions of social control. While favoring a rebuilding of community, family, and other private forces, and while sensitive to the dangers of state power, Wilson maintains his belief in the improvability of government, which forms the center of his policy proposals. And the criminal-justice system remains for Wilson the most promising tool of the state for

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

controlling crime: incapacitation, definitely; deterrence, probably; rehabilitation, perhaps. What about prevention?

Twenty years ago, in *Thinking About Crime*, Wilson was more disparaging of talk about preventing crime through attacking its "root causes" than he is today. Wilson has not changed, but the talk about root causes has. Then, crime was seen as a social phenomenon whose causes were elements of social structure: poverty, inequality, unemployment, differential opportunity. Intervention then meant reforming, if not overthrowing, the socioeconomic system. Now, crime is viewed as individual misconduct, with "root causes" more appropriate to that level of analysis: impulsiveness, inadequate socialization, dysfunctional families, disorganized neighborhoods. Intervention now focuses on the individual, the family, and the community, not the social system.

In essence, all social thought, including thinking about crime, has shifted to the right. Common to both liberal and conservative thinking about crime, however, is support for considerable governmental intervention, albeit of different sorts. While Wilson rejects macro interventions of the Great Society and War on Poverty type, he is willing to entertain other interventions whose focus is more narrow but still quite deep. Though he advises cautious experimentation, predicts no more than small marginal effects, and worries about compatibility with Western values, Wilson is prepared to explore the limits of preventive intervention.

> Prevention, if it can be made to work at all, must start very early in life, perhaps as early as the first two or three years, and given the odds it faces—childhood impulsivity, low verbal facility, incompetent parenting, disorderly neighborhoods—be massive in scope.

Such efforts might take the form of intensive and sustained family-intervention programs, or even removing "at-risk" children from the environments that put them at risk.

MISSING from *Crime* is any sustained discussion of criminal justice from a libertarian or rights-based perspective. More so than either liberals or conservatives, libertarians are reluctant to authorize government to try to shape behavior. The state's role should be limited to responding after the fact to conduct that violates the rights of others. The libertarian state reacts to crime by holding the offender responsible and demanding more civil conduct in the future. This treatment is

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

premised on notions of free will, rights, duties, and justice, not on theories regarding how best to structure a society or to shape the behavior of its members.

Religious conservatives, it might be noted, also emphasize punishment on moral grounds, but the libertarian emphasis on punishment for the sake of justice is not necessarily religious. Primarily, it is humanistic, in contrast to the mechanistic emphasis placed by utilitarians on punishment as a social tool. Punishment for retribution treats criminals as free and responsible beings. Policies that aim at social control—whether through punitive or non-punitive means—treat criminals (or potential criminals) like cogs in a machine, or like animals. If a machine isn't running right, you fix it. If an animal doesn't behave the way you want, you study it to learn what makes it behave the way it does, then you try to alter its environment so it will act more like you wish.

As Wilson notes, increasing freedom brings with it increasing crime. Liberals respond with proposals that would decrease *economic* freedom; conservatives respond with proposals that would decrease *social* freedom. How would libertarians respond? With proposals that emphasize the corollary of freedom: individual responsibility. The proper response of government to criminal violations of the rights of others is to hold the violator accountable through punishment. Punishment for this purpose is not a tool of social engineering; it is an expression of our sense of justice.

ALMOST nowhere in *Crime* is there any discussion of punishment in terms of justice rather than utility. The one exception is a short section in the chapter on "Prosecution and Sentencing" where the "just deserts" approach is given one brief paragraph, just room enough to raise the usual objection to the justice model: that it is not useful because it gives us only relative and not absolute answers. That is, the principle of proportional punishment tells us only that certain crimes should be punished more or less than others but not how much any given type of crime should be punished. This is then contrasted to the utilitarian model, which is said to offer "an elegant framework" for someday (though not yet) being able to come up with objective cost-benefit guidelines for punishment. But the mere fact that a moral problem does not have any clear or absolute solution does not mean that we should try to transform it into an allegedly scientific question.

While I am personally skeptical about the relevance and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

value of social science for setting social policy, I recognize that this may be tilting at a windmill. Rightly or wrongly, most people approach policy questions in a utilitarian, rather than a purely normative, fashion and will no doubt continue to rely on experts to guide—or perhaps just to rationalize—their policy preferences. They will not find a more qualified and fair-minded collection of experts than Wilson and Petersilia have assembled for them here.

This book is policy-oriented social science at its best, whatever the generic limits of that enterprise may be. It provides an excellent summary of what we know and don't know about crime and the criminal-justice system. It will make an excellent reader for criminology courses at the graduate or undergraduate level. And it is the most valuable reference source for criminal-justice policy-makers this side of a searching and honest examination of their hearts and consciences.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Blue movies

WALTER BERNS

HOLLYWOOD Censored,† we are told on the book's dust jacket, "examines how hundreds of films—Mae West comedies, serious dramas, and films with a social message—were censored and often edited to promote a conservative political agenda during the golden age of studio production in the 1930s." It goes on to explain how, because of the 1922 Hollywood sex scandals, Will Hays was hired by the movie industry to clean up its image. Hays's solution was to adopt what came to be know as "the Production Code." Written by a St. Louis priest and a Catholic layman, it "stipulated that movies stress proper behavior, respect for government, and 'Christian values'—thereby challenging the moguls' staunch belief that movies entertain, not preach morality."

The dust jacket continues:

> The Catholic Church further reinforced these efforts by launching its Legion of Decency in 1934. Intended to force Hays and Hollywood to censor movies more rigorously, the Legion engineered the appointment of Joseph Breen as head of the Production Code Administration. For the next three decades, Breen, Hays, and the Catholic Legion of Decency virtually controlled the content of all Hollywood films.

In addition to this accurate summary of the book, the dust jacket also points out that its author, Gregory D. Black, is a professor, which, without more, is enough to assure opponents of censorship that the subject will be treated in the manner they have come to expect. The censors are depicted as knaves—or, with good reason in the case of Joseph Breen, anti-Semitic bigots—and the film makers as fools interested only in making money. But, since advertising is a good way of promoting a film, and therefore of making money, one of the surest (as well as the cheapest) ways of advertising may be to resist, or

†Cambridge University Press. 352 pp. $27.95.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

pretend to resist, the strictures of the censors. This was proved in the case of *Klondike Annie* starring the ludicrous Mae West; the attempt to ban it, Professor Black reports, "caused a flood of eager customers to storm box offices across the country." Maybe the film makers weren't so dumb after all.

He says the film makers during the "Golden Age" of studio production "worshipped revenue more than they respected honesty," and would have us believe that they would have made better films (presumably, films like those now being made) had they been honest. Yet, among the films that were made by these "dishonest" producers, which he does not so much as mention, were *Casablanca*, *The Maltese Falcon*, *Philadelphia Story*, *Mutiny on the Bounty*, *Top Hat*, *High Noon*, *Shane*, *Brief Encounter*, *The Lady Vanishes*, and (when the censors were dozing) *Le Diable au Corps*, starring Micheline Presle and the young Gérard Philipe. But Professor Black's concern is with the films that might have been made but were not, and "how different those films that were made might have looked" had they not been censored.

WITH this in mind, he makes much of the censoring of *Anna Karenina*. He says:

> Breen realized that the industry would look foolish if it banned Tolstoy and other pieces of classic literature simply because they contained sexual themes [but he also knew that] any reasonably accurate film of Tolstoy's novel was sure to invoke howls of protest from [the Legion of Decency].

In the earlier (1927) screening of the novel, MGM gave exhibitors a choice of endings by releasing two versions, one, true to the novel, in which Anna commits suicide, and the other, in which she and Count Vronsky are reunited and, presumably, live happily ever after. But, Professor Black points out, "audiences in 1935 would have no such choice: the Anna of the Breen era would be thoroughly chastised and fatally punished for her sinful transgressions against family, church, and state."

But Breen was not the fool (or not quite the fool) he is made to seem. Sure, Anna was in love, and love is a wonderful thing, but, by committing adultery, abandoning her child, and running off with Vronsky, she did transgress against family, church, and state; and sure, Karenin (Professor Black calls him "Karenina") was a clod, but he was Anna's lawfully wedded husband and father of her child, and that used to count for

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

something. But, whatever Breen's reasons for insisting on it, Tolstoy knew that a happy ending would have made the novel pointless. Besides, how is the author of a love story going to depict the power of love except by putting it in competition with something equally compelling?

Professor Black wonders what an uncensored *Anna Karenina* would have looked like. The answer is, probably much like it would look if it were made today. Anna (Sharon Stone?) would casually pack her bags, dash off (or perhaps not bother to dash off) a short note to Karenin and, with Vronsky (Michael Douglas) at her side, catch the train to Porto Fino where, against a background of the blue Mediterranean, the two of them pull off their clothes, hop happily into the sack, and (she moaning and he grunting) commence their revels. But, with nothing at risk and nothing to suffer—when sex is "no big deal"—who could believe that this Anna was really in love?

THE point escapes Professor Black, but the real fools in this business were those who thought it possible to produce a film of Tolstoy's novel for an audience for which drama is only a form of recreation. Such an audience simply wants to be entertained without having to wonder what it is that makes Vronsky a foolish but interesting man and Anna (but not the carelessly adulterous Betsy Tverskoy) an interesting woman, a woman under the sway of conflicting passions: romantic love and devotion to child, eros and duty, promise and necessity. Tolstoy could depict all this in the written word, and there was a time when, even in bourgeois and democratic America, he was read by a handful of us. But, given their cost, films—movies, as we say—are made for a larger and less patient audience. As Tocqueville said in a chapter devoted to the drama in a democratic age, "the great authors of a preceding age may be read, but pieces written for a different public will not attract an audience."

What, then, will attract a democratic audience? Tocqueville anticipated the problem when he said that "there are no dramatic subjects in a country which has witnessed no great political catastrophes and in which love invariably leads by a straight and narrow road to matrimony." To which he added, "People who spend every day in the week in making money, and Sunday in going to church, have nothing to invite the Muse of Comedy." He suggested, but only in passing, that democratic dramatists would meet this problem by making their productions "more striking, more vulgar, and more true

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

[to democratic experience]," but, considering his prescience, it is strange that he did not anticipate our apparently insatiable appetite for violence and pornography, and, once the censors were put out to pasture, that our dramatists would supply us with a steady stream of it.

This doesn't bother Professor Black. In one place, he suggests that it might make sense to take account of the susceptibility of children by rating some films "Unobjectionable for adults." Under this sort of rating system, he says, it would be up to parents to decide whether "youngsters could attend [such] films." But what gives him confidence that parents will be able to make these decisions, or, having made them, be able to enforce them? In our day, when the law is forbidden to make moral judgments—this because the Supreme Court effectively put the censors out of business some 25 or 30 years ago—and when, especially in the public schools, students are told that the only self-evident truth is that there is no such thing as truth, and, therefore, that all moral judgments are "relative," our parents will be on their own. In this situation, a dialogue between a father and his teenage son would be likely to go something like this:

Father: "Your mother and I are going off for the weekend, and we don't want you watching any X-rated videos while we're away."

Son: "Why not? You and mommy do."

Father: "Well, yes, but they're for adults only. Look at the label."

Son: "But if they're okay for you and mommy, why can't me and my girlfriend watch them?"

Father: "Well ... well, because I said so, that's why."

Son: (but *sotto voce*) "Up yours."

Farfetched? Perhaps, but, to paraphrase a line from Allan Bloom's *The Closing of the American Mind*, when no one else is seriously concerned with it, parents will lose control over their children's moral education.

THE film-rating system has been likened to the warning on cigarette packages, but the analogy is faulty. The latter tells us that cigarettes are bad for children and bad for adults; the former tells us that sex and violence are bad for children but okay for adults, perhaps even good for adults, something children can look forward to when they are "grown up," as we say.

But why should our teenage son have to wait until he is an

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

adult? Unlike his father, he may not yet be capable of earning a living or caring for a family, but, like his father, he is perfectly capable of enjoying an X-rated film. The only reason to deprive him of this pleasure is that, by doing so, he might be prevented from becoming like his father, and this might be done only by declaring that obscenity and pornography (like cigarettes) are bad for father and son alike. This is why the censors preferred the Motion Picture Production Code to a rating system.

According to the Code—I'm quoting the 1956 revision—"no picture shall be produced which will lower the moral standards of those who see it." Its specific provisions included the following (and how quaint they seem today!):

> Excessive and inhumane acts of cruelty and brutality shall not be presented. This includes all detailed and protracted presentations of physical violence, torture and abuse.... The sanctity of the institution of marriage and the home shall be upheld. No film shall infer that casual or promiscuous sex relationships are the accepted or common thing.... Lustful ... kissing and embraces, suggestive postures and gestures are not to be shown.... Complete nudity, in fact or in silhouette, is never permitted, nor shall there be any licentious notice by characters in the film of suggested nudity.

The prohibitions of the 1950s (and before) have become the standard fare of the 1990s; the people like it and, with their custom, show their approval of it. With us, as Jean-Jacques Rousseau would have said, vice has taken on the likeness of decency. (What he did say is this: "Vice hardly insinuates itself by shocking decency, but by taking on its likeness.")

DOES it matter? Some people (typically parents) think so, and occasionally call upon Congress to do something; (before her husband became Vice President—in fact, in 1988, before he campaigned for the presidency) even Tipper Gore thought so (see her *Raising Kids in an X-Rated Society*). But anyone who believes that the prohibitions might be reimposed today should ponder another of Rousseau's aphorisms: "Censorship can be useful for preserving morals, but never for reestablishing them." As we say, that dog won't hunt.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Morals and markets

HADLEY ARKES

IN the Long March toward the New Deal and a planned economy, Leo Nebbia became an early, celebrated casualty. The state of New York, in advance of the New Deal, had fixed the price of milk at nine cents a quart as part of a scheme of social uplift. What would be lifted, or kept aloft, would be the income of the producers. The superstition, widely shared at the time, was that the economy would be kept buoyant in this way, by preserving the purchasing power of the producers and vendors. Nebbia ran afoul of this scheme through a modest act tinged with calculation: He would give a loaf of bread free to any customer who would buy two quarts of milk for 18 cents. For that minor flexing of imagination, or for that retrograde motive of seeking a bit more business for himself by offering more value for the money, Nebbia could be stamped a "criminal."

Nebbia would be joined, during the New Deal, by people like Jacob Maged, an immigrant tailor in Jersey City. Maged would be prosecuted and sent to jail for three months, leaving a wife and four daughters to struggle with the business and pay his $100 fine (no trifling sum in 1934). And his crime? Knowingly, deliberately, Maged had charged 35 cents to press a suit for a customer, even though the code of the National Recovery Act (NRA) had pegged the price at 40 cents. The stories of Jacob Maged and others lie muted in the record of the New Deal precisely because they did not excite the concern of the American Civil Liberties Union, or of liberal historians.

WE know, however, that the American Founders did not engage in this kind of screening when they viewed the landscape of rights. They would not have thought that Jacob Maged's freedom to make an incendiary speech stood on any higher plane in the hierarchy of rights than his freedom to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

establish the terms of his work and remuneration in his own legitimate business. In fact, the Founders made no distinction between political and economic liberties. They referred simply to the "system of personal liberty." They thought that a regime of freedom would begin at least by presuming the *natural liberty* of people in any of their innocent acts, in all dimensions of their lives, whether in publishing or pursuing a common trade.

But these "natural rights" could not be claimed sensibly by just any kind of being—they would not be available, for example, to animals. They could be attributed only to those beings Madison referred to as "moral agents": beings who could reason over matters of right and wrong, deliberate about their own ends and the conditions of their well-being. But since they were moral agents, they could understand the commands of morality, and, therefore, they had the wit also to understand the things they were not free to demand in the name of their "rights."

And so the grand expounders of a free economy—Adam Smith, Edmund Burke, Alexander Hamilton—never took their measure of legitimacy or decency from the things that people were willing to demand and supply in the marketplace. They assumed that the law would be in place to do the things that it was ever the function of the law to do—to mark off the difference between the legitimate and the illegitimate, and the things that people could decently choose in the marketplace. Whether prostitution, say, was right or wrong would not depend on whether people were willing, in the marketplace, to supply that service. But where people were rightly left free to choose, where the law properly held back its hand, this traditional moral framework would furnish the ground of moral conviction: The Jacob Mageds of the world truly had a "right" to be respected in the innocent uses of their freedom by a government that understood the moral limits of its own laws.

BUT that sense of the moral ground for a free economy has largely evaporated in our own day, even from the writings of those commentators—mostly economists—who have tried to make the most impassioned case for a free economy. To supply that moral case, T. Patrick Burke has brought forth his book, *No Harm: Ethical Principles for a Free Market.*† Burke, a professor of religion at Temple University, has sought to

†Paragon House. 289 pp. $39.95.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bring to the public discussion, on behalf of the free market, the moral conviction that may be missing in the work of economists.

With his background in theology, he seems to draw on a deeper reservoir of understanding when he insists that the businessman who creates jobs is a benefactor, even if every one of those jobs cannot justify the kind of wage that would support a family, and even if the employer cannot afford, for every job, a rich package of "benefits." The terms may well fall short of a state of fuller contentment. Nevertheless, Burke finds it hard to see how an employer could possibly harm a worker by providing a job, or by offering a wage, that the worker evidently finds it in his interest to accept. Nor can Burke see how the employer causes any harm if his own efforts bring him wealth in the course of generating jobs for others.

In all of these reflexes, Burke seems eminently right-headed. And yet, what is curiously missing in this tract by a professor of religion is any distinctly moral ground for the case he would offer. His moral defense of a free economy is made to rest on a thin libertarian principle, namely, that most uses of economic freedom cause "no harm" and therefore justify no restraint or reproach of the law. "The Principle of No Harm," says Burke, "underlies the idea of justice, and has priority over it." But this notion of "harm" can claim its architectonic quality only by evacuating from the term all of the moral shadings, and the layers of principle, that give the notion of "harm" its moral significance. And indeed, if he would reduce the law to a rather simple, and brittle, test of "harm," he would remove from the law the moral understanding that has been part of the logic of a "polity" from the very beginning.

IT is no accident, in this respect, that Burke steers around the ancient understanding, in Aristotle's *Politics*, that the polity is, most essentially, a moral association, and that it expresses this character in its "laws." Burke seems to take his definition of the polity from a more modern version, offered by Max Weber, but he modifies the construction in this way: The "defining characteristic of government," he says, is that "individual or group which exercises a monopoly of the use of physical force in a particular territory." But Max Weber had shaded his definition to say that the government is the agency that "claims the monopoly of the *legitimate* use of physical

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

force within a given territory." (Italics added.)

Burke screens out of the definition of government the moral difference between the legitimate and illegitimate precisely because he means to abstract law from its ancient moral concerns. He would make the problem of government more tractable by scaling back the concerns of the law to fit his scaled-down understanding of "harm." The law can be restrained to narrow limits if it can be confined to the task of redressing harms, and the notion of harm can be made even harder, even more objective, if it can be confined to harms that are palpable or "demonstrable": they "cannot simply be assumed merely as the result of an abstract theory." Burke would seem to say, with Hobbes, that if the hurt is not "corporeal," it must only be "phantastical."

But Hobbes reminded us that the root of "injury" is *"in jus"*—meaning without justification. The law may be concentrated on the task of dealing with real injuries, but not every harm is an injury. Pain may be inflicted by a dentist, or by a surgeon replacing the joint in a hip; but the pain is performed as part of a procedure done with the consent of the patient and directed to his well-being. The patient may suffer pain, but we would not say that he is harmed or injured.

Our estimate, then, of a "harm" pivots on our judgment about the penalties or restrictions that are imposed on people "with or without a justification." But when we speak about the standards for judging "justifications," we are speaking about principles of moral judgment. Many years ago, I was called by friends at a Midwestern hospital who were in a group dealing with "child abuse and incest." They brought in a philosopher because the clinicians were puzzled by this problem: They were convinced that incest would produce demonstrable injuries in children, but in several notable cases, they could find nothing discernible. And given their standards of measurement, they did not know what to say to the father who claimed that, since he had been having sex with his teenage daughter, her grades had improved, her acne had cleared up, and she had stopped stuttering. The clinicians were convinced that the children were being "injured" even though they were not showing it. What came as a revelation to them was the notion that, if incest were "wrong," it could be wrong in principle even if people flourished under the regimen.

BURKE'S libertarian scheme would seem to depend on a standard of "harm" so narrow, so implausibly shorn of its

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

moral components, that we could not give an account of the most important parts of our laws, including the most ancient laws that even libertarians might be hesitant to remove. Of course, part of the subdued thrill in this brand of libertarianism is that it may indeed overturn conventions long settled.

And so, Burke suggests that a law properly grounded in the principle of "no harm" may have to shed some of its prejudices against incest. Writers who insist on a standard of demonstrable harms will usually show a willingness to accept prostitution and polygamy as an arrangement between consenting adults, and Burke follows readily along that path. In a curious passage, he remarks that, for some "disabled persons," prostitution "may be the only viable form in which they can experience sexual intimacy."

That the law is often founded in facile notions of harm, or on conventional truths, provides an ample warrant for Burke to keep raising the sternest questions about those old rationales, too casually settled. But to dislodge those half-truths is not to strip away from the law its moral claims. It may be, rather, an invitation to summon our powers, and our moral imagination, with more discipline; for, as conservatives have long appreciated, there may be, in the traditions of the law, a moral understanding that runs deeper than our current wisdom. Reason, summoned to a more strenuous exertion, may yet find something more precise to discover and explain.

Burke's own defense of freedom in the economy depends on the premise that "all human beings share a common nature as human beings, which bestows on them a moral equality, equality before God." As Lincoln once remarked, that understanding, of natural equality, was the father of all principles among us. But Burke knows that any worldly scanning of our species would not impress us with the view that everyone around us is animated by motives equally decent, with a uniform claim to our respect. He must understand that the principle he is describing, at the root of his argument, cannot itself depend on any empirical confirmation. It runs back to the axioms of the law and moral judgment; as the Founders understood, those axioms had to be in place before it was even possible to provide "demonstrations." Burke's assumption, of the "moral equality" of human beings and their interests, may seem quite as problematic as the premises that underlie our laws on marriage and incest. Yet, they may not, for that reason, be any less compelling.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE jurists of any earlier day understood these things, which is why they could defend the freedom of men and women in pursuing a legitimate calling even while they preserved the moral commitments of the law. But Burke's disposition, to keep filtering moral reasons from the law, is the mark of the modern libertarian project. It is an echo of Justice Holmes's hope that "every word of moral significance could be banished from the law altogether." Hence, the curious, persisting surprise of the libertarians: All about them they find an insufficient moral esteem for a free economy. To repair that deficiency, they offer up a moral defense, based, however, on a scaled-down, truncated sense of morality, in the hope of avoiding those vexing moral disputes that seem ever to attend politics and the moral life. And then they find, to their continuing surprise, that there remains a want of moral appreciation for a free economy—a discovery that merely stirs them on to yet another effort.

Sam Goldwyn sagely observed that a verbal contract was not worth the paper on which it was written. But the libertarians still have not quite grasped, so late in the seasons of experience, that a nonmoral moral case for a free economy will supply, to the next generation, no moral conviction.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Freakish thinking

DAVID BROOKS

IS there anything more boring than the debate about political correctness? As if the trinity of race, class, and gender hadn't become tedious enough, now denouncing political correctness has become encrusted with its own clichés. At the moment, a cable-TV show, a book, and a Broadway production carry the title *Politically Incorrect* and seem to applaud themselves for their supposed courage. The whole thing hit the point of absurdity when, on a late-night talk show, the actress Whoopi Goldberg announced that she detested political correctness. It was all one could do not to hurl something at the television and shout: "Ms. Goldberg, you are political correctness."

God curses intellectuals by granting them uninteresting enemies. Political correctness sets new precedents in this regard. It comes, as *New York Times* reporter Richard Bernstein notes in *Dictatorship of Virtue*,† wrapped in its own stultifying jargon, which calls to mind nothing so much as the depths of Brezhnevian rhetoric.

"There is," Bernstein writes:

> "dominant discourse," "marginal subjects," the "victimized subaltern"; there are "overdetermined structures of meaning" and "hegemonic arrangements of power." Open up almost any contemporary academic journal, and you will find phrases like "colonized bodies," the "vantage points of the subjugated," the "great underground terrain of subjugated knowledge," the "marginalized other," which are contradistinction to the "totalizing metanarratives" and the "socially produced meaning" of the dominant white-male culture....

Political correctness even destroys people in a way that is formulaic. A professor, who up to that point had considered himself liberal and socially enlightened, makes some marginally questionable remark. A group of aggrieved students pro-

†Alfred A. Knopf, Inc. 367 pp. $25.00.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

test. In the ensuing round of artificial rage and local publicity, the administration vacillates, the loudest voices carry the day, and the professor's career is effectively destroyed, whether he is in fact fired from the faculty or not. By now, these episodes only rate a paragraph summary in the briefs section of the *Chronicle of Higher Education*, the academic version of the crime blotter.

BERNSTEIN has done the reporting on several of these episodes and describes them here at a fluid pace. He relates, for example, a case at Brookline High School in Massachusetts in which a group of parents tried to preserve the school's course in European history against attacks from the overwhelming majority of teachers, who thought its existence an affront to diversity. The defenders of European history, liberals themselves, were quickly labeled brownshirts, censors, terrorists, and inquisitors. Bernstein describes the raucous meetings at which the parents were vilified (and fought back). He puts the episode in the context of a changing social-studies curriculum, quoting, for example, the statement from the National Council of Social Studies, which warns "that if all students are treated alike, their distinctive needs are not being met and they are probably being denied access to equal educational opportunities." And he mixes in, sometimes awkwardly, sometimes trenchantly, his own observations and arguments against political correctness.

The bulk of the episodes are set on university campuses. At the University of Pennsylvania, Bernstein asks a university administrator at the Women's Center why it only offers pro-choice information on abortion. "My position is that the pro-choice position is the middle ground. The middle ground allows for everybody to have their own personal opinion," the administrator, Elena DiLapi, replied.

"If you have pro-life saying there should be no abortion," she continued under Bernstein's probing,

> The opposite of that is that everybody should have an abortion. The middle ground is that everybody should decide for themselves. You cannot point to a program where I have said everybody should get an abortion. We don't support that.

Typical of Bernstein's stories is the case of Alan Gribben, a University of Texas professor, who objected when the reading list of a writing course was radicalized, the new list consisting entirely of left-wing critiques along the usual RCG (race-class-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

gender) lines. Gribben was, of course, quickly labeled a right-wing zealot and a fascist.

These stories are variations on a formula, which is not to say they are dull. One reads this book in perpetual outrage at the wrongs being committed against decent people. It is like going to one of those horror movies, *Halloween XVII*. Each time a tenured radical in an ideological ski mask jumps out of the corner wielding the rhetorical equivalent of a chain saw, and each time the innocent baby-sitter is hacked to shreds, the audience is chilled and horrified.

Bernstein's book has the added advantage that it feels definitive. It is the book that historians will have to go to get an image of this campus movement. Dozens of books have spun theories about these tenured radicals, but nobody has done so thorough a job of reporting on the phenomenon.

SO, while Bernstein's book is engaging to read, the real question is, why would any young person in his or her right mind want to spend his life in academia? Really, there is no reason.

Bernstein relies on horror stories, extreme cases, to make his point, but one only needs to read an alumni magazine to see how the social imperatives of multiculturalism blanket the universities, to see how the word "diversity" has been used to enforce uniformity.

A person who doesn't find himself at home in the land of RCG may be caught in one of these Bernstein horror stories. But even if not, he will have to spend his life avoiding political correctness, being annoyed by it, being wary of it. One sees, even in those who are not hounded from campus, a series of unpleasant attitudes. There are those on the right who feel perpetually persecuted, who radiate alienation. Others on the right are simply regarded as harmless cranks—not a tremendous way to live.

Even sadder are the essays we get at the *Wall Street Journal* from liberal European historians who, trying to appear broad-minded, explain why it is right that their subject be downgraded. These essays are filled with subtle rationales that cannot be followed, with too fervent protestations of the author's decency. These people aren't charging through their work with enthusiasm and verve—they are all apology and helplessness, and they are peripheral to the main energy on campus and at conferences. Who wants that kind of life?

There are, after all, so many attractive alternatives to life in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

academia. Where I work, at the op-ed page of the *Wall Street Journal*, we have four editors. Three of us intended to become academic historians, studying at the University of Chicago, Yale, and New York University. We saw the unpleasantness before us and split, and now look back with tremendous relief at what we missed.

NEWSPAPERS are not even the dominant alternative to the academic battleground. Think tanks flourish, offering the possibility to do research while at the same time having a more direct influence on events. Staffers on Capitol Hill and in the White House are no long political hacks (or no longer just political hacks); many are also disaffected academics. The New York intellectuals who signed statements and wrote for *Partisan Review* are being replaced by the William Kristols and Francis Fukuyamas of the world, who work in administrations, plot political strategies, and form the floating mass of analysts, thinkers, and advisors. Economists and other social scientists go off to found newsletters and consultancies.

Of course, one does not avoid political correctness simply by leaving the academy. In his book, Bernstein reports on several outrages at newspapers. The *Philadelphia Inquirer*, for example, solicited a review of Dinesh D'Souza's *Illiberal Education*, another attack on PC and, to its horror, found that the reviewer liked the book. The book editor, Mike Leary, decided to postpone running the piece until a negative review of the book could be commissioned. Then he ran the two reviews side by side.

The *Inquirer* is also the sort of place that sponsors "sensitivity-training" sessions. It is, like so many papers, the sort of publication that intentionally seeks to "reach out" (that is to say, kiss up to) certain ethnic groups. While Bernstein says that efforts to appeal to these groups may make them better papers, he points out that "nobody at American newspapers advocates finding some way to appeal more to, say, religious readers, and especially not to fundamentalist readers, even though such people make up a far greater proportion of the population than, say, Asian-Americans."

Yet, in newspapers and other nonacademic institutions, PC is a relatively mild piety rather than a fervent style of radicalism. Newspapers compete, so people have to work with and report upon diverse people and, thus, cannot sink back into the ideological purity that characterizes Bernstein's academic examples. Moreover, they have to cater to a larger section of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the American public and therefore cannot be so intolerant of majority viewpoints.

THE nuttiness is all in the academy, or in other protected enclaves, such as in monopoly public schools. Consider the following paragraph by feminist Susan McClary, quoted in Bernstein's book:

> Beethoven's symphonies add two other dimensions to the history of style: assaultive pelvic pounding ... and sexual violence. The point of recapitulation in the first movement of the Ninth is one of the most horrifying moments in music, as the carefully prepared cadency is frustrated, damning up energy which finally explodes in the throttling, murderous rage of a rapist incapable of attaining release.

Such a paragraph does not emerge all at once. There must be an environment of insularity so that the writer can sink back into freakish thinking. And the writer must have a history of small encouragements, each step of radicalism winning praise from like-minded colleagues and facilitating a further step to extremism. Only in the academy, or in cultish communes, do these conditions prevail.

Anybody who enters the academy could wake up one morning and find him or herself writing like that. Better leave while there is still time.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The progressive impulse

HUGH HECLO

As a sequel to his well-respected *Affairs of State: Public Life in Late Nineteenth Century America* (1977), Morton Keller has launched an even more ambitious three-volume study covering the first third of this century. The goal of these books is "to provide a comprehensive overview of the rich, complex setting of ideas, interests, and issues that gave shape to early twentieth-century American public policy." The first two installments of Keller's monumental project have now appeared, dealing in fairly rigidly separated compartments of economic policy and social policy. A third volume promises to examine the political, governmental, and legal structure within which these policy responses occurred.

The opening volume, *Regulating a New Economy: Public Policy and Economic Change in America, 1900-1933*,† published in 1990, covers issues of economic regulation, broadly understood. Included are not only the usual suspects (trusts, utilities, railroads, the tariff, corporate and labor law) but also less common entries in the study of Progressive-era economic regulation, such as automotive transportation, the movies, radio, agricultural marketing, urban housing and zoning, and taxation. Keller's second volume, *Regulating a New Society: Public Policy and Social Change in America, 1900-1933*,‡ surveys social policy and is equally expansive. It includes family law, education, church-state relations, privacy and civil-liberty issues, prohibition, criminal justice, suffrage, welfare programs, immigration, Indian policy, and race relations.

The author's strategy for navigating in this sea of information is straightforward. For each general issue area, the relevant policy initiatives and decisions are chronicled in conjunction with commentary from contemporary periodicals. In-

†Harvard University Press. 320 pp. $32.50.
‡Harvard University Press. 432 pp. $49.95.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

terspersed are brief comparisons with developments in western Europe, mainly, it seems, to make the point that similar issues were arising elsewhere but handled in different (generally more statist) ways. Although there is less intellectual history in these accounts than one might have expected, in the end, Keller does deliver on his promised goal: to provide a comprehensive overview of a very complex story. And what is to be learned from this overview?

WHILE some historians have come to doubt there was anything sufficiently coherent to be called a "Progressive movement," Keller is convinced that there was a central core of belief in what he calls the "Progressive impulse." Behind the multitude of reform efforts he surveys, Keller sees the common conviction that America's social cohesion had to—and could—be restored through new forms of consciously designed, more efficient social organization. What was at stake in trying to deal with all the particulars of a new economy and society at the beginning of this century was nothing less than the task of coping with the full force of modernity in American public life.

At the same time, Keller is skeptical of any grand theories or "systems" of interpretation concerning what happened in this crucial period. Faced with interpretive choices—e.g., was trust regulation an effort of the unorganized to control concentrations of power or an attempt by big business to capture regulatory advantages?—Keller's response is: all of the above, and more. Complexity, cross-currents of detail, and ambiguous outcomes are his watchwords. This is because Keller seeks, by his account, to downplay theory in favor of historical descriptive accuracy, to "portray more than to explicate...."

Of course, like all mortals, the author needs some interpretive scheme to make his mass of material intelligible. The devices chosen are the twin themes of "persistence" and "pluralism." "Persistence" generally refers to the continuities of American public life carried over and, often, interestingly enough, reenergized by the changing conditions of modernity. Into this category falls everything from legal traditions used by the courts to decentralized political structures, antigovernment values in the public at large, and religious fundamentalism.

By "pluralism," Keller means the ever-growing diversity of people, interests, ideas, issues, and institutions produced by the forces of modernization. Again risking the too neat separation between economic and social issues, Keller identifies the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

forces creating a new, pluralistic economy in terms of consumerism, new technologies, the growth of big business in an increasingly complex economic order; forces shaping the new pluralistic society to which social policy must respond are urbanization, immigration, and increasingly heterodox bodies of public opinion.

STRUGGLING amid the confluence of the old ways and new circumstances, the Progressive impulse is shown in chapter after chapter to produce public policies that fall far short of its yearning for efficient organization and cohesive order. Policy-making remains resolutely disjointed and pluralistic, incapable of producing what Keller considers to be fundamental "transformations." Thus, there is a myriad of changes in regulation of the economy, but the overall relationship (mainly accommodationist) of government to business remains much the same. Likewise, the scale, complexity, and number of diverse interests expand to produce an enormous and congested social-policy agenda. But the result is not a welfare state, or corporatism, or welfare capitalism, or even a modern administrative state. It is a modification of the familiar American polity of localism, litigation, hyperactive interests and lethargic parties, diffuse policies and ambiguous implementation. Clear victories forever elude the Progressive impulse.

And yet, traditional values and structures do not have everything their own way either. By mobilizing to respond to modern challenges, the old ways themselves undergo changes in meaning, a point Keller downplays. Concepts of localism in education policy or self-reliance in welfare policy do not mean quite the same thing in 1933 as they did in 1900. So, too, the "newness" of modern pluralism's issues and interests is constantly compromised by legacies from a past that is not past. In short, public policy turns out to be a messy amalgam of old ways, new demands, and imperfect efforts to achieve progress through the conscious design of collective action.

These two books survey in copious detail the policy decisions made and not made on a host of issues, with states, courts, and interest groups necessarily in the forefront of the story. Because the author is far more interested in description than explication, the effect is to recreate the sense of uncertainty and confusion that contemporaries reading the periodical literature must have felt about the complex developments swirling around them. Whether Keller's third volume will draw out the implications of this work remains to be seen.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

IN the meantime, Keller's descriptive history of American economic and social policy makes timely reading. There is something familiar in the Progressives' deep worry that, despite living in an era of relative peace and prosperity, something had gone seriously wrong in the internal life of the nation. Reading about their efforts also suggests how much has been lost of the reformers' faith in rational organization, scientific expertise, and government, of their religious and moral self-assurance and perhaps even their belief in each other's goodwill. Surveying their well-intentioned exertions, one also senses how small the effects of public policy appear in the face of the larger social and economic forces shaping modern life.

Not least of all, this pre-New Deal policy history is something we would do well to recall before marching off too boldly on the post-New Deal, post-Great Society crusade for devolution. The insecurities, inequities, and vulnerability to private power concentrations of state-based economic and social policies are not a part of history we should want to relive. Keller's books are a sustained reminder of the enduring gap between promise and reality in American public policy. "It is a story of high expectations robustly raised and rudely dashed, of fertile new possibilities and stubbornly persisting constraints."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Defining democracy up

PHILIP SELZNICK

DELIBERATIVE democracy is moving to the forefront of political theory. This revival of Madisonian doctrine is a welcome response to current degradations of liberty and self-government. There is nothing new about debased politics or degraded culture, but the technology of mass communication has vastly increased the community's exposure to coarse messages and mindless opinions. Resisting the current, new voices are raised on behalf of *ordered* liberty, which was once celebrated but is now in eclipse. Even *New York Times* columnist Anthony Lewis, long a vigorous defender of unbridled speech, has condemned "30-second spot television advertising" because it destroys opponents without contributing to the discussion of ideas. Lewis suggests that restricting such political advertising might be constitutionally acceptable as regulating the "format" rather than the content of speech. He invokes Madison in support of a more deliberative, less populist conception of democracy.

A more systematic argument along the same lines has been pressed by Cass Sunstein, a prominent liberal professor of legal and constitutional theory at the University of Chicago. In a variety of popular, as well as academic, writings, Sunstein has embraced the view, earlier expressed by the American philosopher Alexander Meiklejohn, that "the heart of constitutional concern" is political speech. This doctrine presumes a two-tier interpretation of the First Amendment: political speech receives very great protection, but other speech, including commercial speech, receives lesser protection. According to Sunstein, this is the Madisonian view, and it is also, with some uncertainty, and despite "the apparent absence of a unifying principle," the operative doctrine of the U.S. Supreme Court.

Thus, an ideal of deliberative democracy can have far-reaching consequences for constitutional interpretation and institutional design. If deliberation is taken seriously as a guid-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing principle, it is bound to check populist impulses. Deliberation is an appeal to reason rather than will, including popular will. Reason requires orderly process, filtered decision, prudential judgment, and attention to multiple values, informing contexts, and unintended effects. Therefore, deliberative democracy limits government by referendum, resists the influence of pollsters, and restrains the manipulation of opinion by disinformation, deception, and appeals to prejudice or raw emotion. In these ways, self-government is held accountable to its own internal morality. Deliberative democracy makes sense of the question, how is the will of the people to be governed?

JOSEPH M. Bessette's *The Mild Voice of Reason: Deliberative Democracy and American National Government*,† largely devoted to how Congress works, is a valuable affirmation of the deliberative ideal. His main concern is to refute the conventional wisdom—widely accepted among political scientists and journalists—that legislation is mainly the outcome of factional, interest-driven negotiation rather than dialogue about policy premises and the common good. The reality of self-interested groups, it is said, overshadows that of the political community; the system is driven by logrolling and other forms of compromise, unaffected by persuasion; and the legislator's chief concern is reelection, not the pursuit of principle or policy.

As Bessette points out:

> bargaining has been accepted and presented as the characteristic mode of collective decision making within Congress—as "endemic to the legislative process"—with little if any attention to how it differs from deliberation, to what its limits are in explaining congressional behavior, and to the broader implications for understanding the nature and purpose of Congress in the American democratic system.

To assess that claim, Bessette, a professor of government and ethics at Claremont McKenna College, examined a number of significant case studies of congressional lawmaking, covering the years 1945 to 1970, "the very period when bargaining interpretations gained ascendancy in political science." He concludes that these studies "have very little to say about bargaining. Indeed, only four of the twenty-nine cases studied attribute any particular importance to bargaining as a mechanism by which decisions were reached in the cases analyzed."

†The University of Chicago Press. 256 pp. $29.95.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This is not to deny that bargaining can be decisive for passing or not passing a particular bill or provision, but this tends to occur at the margin, when a few extra votes are needed to make a majority. Thus, in 1964, there was indeed a deal "by which liberal Democrats on the Rules Committee traded their support for the tobacco research bill in exchange for the food stamp votes of conservative Democrats on the Agriculture Committee," but this "at best explains three of thirty-four votes on the committee. The other thirty-one committee members were not involved in this deal and thus voted as they did for reasons unrelated to the fate of the tobacco research bill."

Without yielding political realism, Bessette patiently details the many ways Congress performs its deliberative functions. The committee system is central, of course, and floor debate can also be important, in ways not always recognized. These forms of inquiry and dialogue are by no means indifferent to the members' desire for prestige, power, and reelection. On the contrary, skills of rhetoric and policy analysis are secure roads to respect, leadership, and public support.

ALL this is a necessary corrective to simplistic conceptions of rationality as narrow self-interest and of coalition and compromise as necessarily unprincipled. The refutation is easy, however, perhaps too easy, and as a result may encourage complacency. To avoid that outcome, we have to recognize that the "low politics" model, which stresses the play of power and self-interest, can be a valuable tool for diagnosing the ills of democracy, even if it fails as a valid description of how the system works. (Similarly, we cannot dismiss the German sociologist Robert Michels's famous "iron law of oligarchy" by showing that a great many organizations are capable of sustaining effective self-government as against dominance from the top; of course, there is no iron law, but what we may call the "Michels effect," properly restated and qualified, remains a solid contribution to social theory.)

Once we accept the *prevalence* of deliberation, we can move on to the more difficult task of assessing its *quality*. Bessette offers some clues. He points to a number of changes in recent decades that have weakened deliberation in the House of Representatives. These changes include, especially, a quest for greater openness—or "government in the sunshine." The demand is that:

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> secret meetings, such as markup sessions and conference committees, should be ended; public meetings of committees or the full bodies ought to be open to electronic broadcast so that the widest possible audience could observe Congress in action; and votes in committee and on the floor should be recorded so that constituents could hold their representatives accountable for their actions. All this was accomplished.

This openness has its costs. The new rules make representatives more vulnerable to mobilized opinion, and the mobilization may be orchestrated by forces well-hidden from public view. Hence, the result may be self-defeating: more visible decisions are not necessarily more deliberative. In fact, some kinds of visibility diminish the chance that issues will be dealt with on their merits, in a spirit of rational dialogue and accommodation.

The lesson ignored is that republican institutions, like other institutions, require some insulation from scrutiny and pressure. Legislatures must be responsive to public needs and concerns, but responsiveness should not be confused with opportunism—that is, with capitulation to demands for short-run payoffs. Although a genuinely responsive institution avoids insularity, it does so while protecting the institution's core values and purposes. This cannot be done when elected officials yield supinely to public pressure, to executive will, or to self-interested clienteles.

SCHEMES for reform, such as term limits or streamlining the committee system, should not undermine the capacity of the Congress to be a deliberative body. To be sure, institutional failings need to be addressed: the unfair advantages of incumbency, the negative aspects of lobbying and campaign financing, the rigidities of a seniority-based system, and cozy relationships within "iron triangles." But proper institutional design deals with these problems by enhancing, not sacrificing, the quality of deliberation. Thought and self-restraint are likely to be sacrificed when reform is tied to populist nostrums and to increasing the power of congressional leaders. The two strategies readily converge. To make populist hay, the leaders need a disciplined body, more disposed to pledge allegiance than to render thoughtful judgment.

Deliberative democracy does require leadership and deference to authority. In Congress, as elsewhere, specialists and experts have a rightful claim to respect. Moreover, deference on some issues leaves members free to make up their own

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

minds, on the basis of their own inquiries, regarding issues that are, for them, especially salient and problematic. This acceptance of intellectual authority lends order to deliberation, keeps the system going, and protects its integrity. It need not entail flight from critical judgment.

Do decisions driven by ideology or belief qualify as deliberative, or as adequately deliberative? If critical judgment is the key, the answer may often be no. Here, Bessette's analysis becomes less helpful. Since his main goal is to refute the bargaining/self-interest model of legislation, he is led to accept, as good coin of deliberation, decisions based on ideological commitment—regardless of how much reflection may be discerned. However, if ideological thinking is deliberative, then mindless acquiescence among cult followers must qualify. Bessette would surely reject such a conclusion, but the way he frames the issues leaves the quality of deliberation insufficiently explored.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Liberalism redux

ADAM WOLFSON

JUST as Tocqueville studied America over one hundred fifty years ago in order to discover lessons from which his fellow countrymen might profit, so we Americans today might return the compliment by looking to French political philosophers for instruction about the nature of our own philosophic birthright, liberalism.

To even suggest this tells us a great deal about the intellectual upheaval that has just recently occurred in France and the current anti-liberal orthodoxy that still prevails in the American academy. Once dominated by a variety of anti-liberal thought from Sartre's Heideggerian-Marxist existentialism to Althusser's Leninism, from Foucault's structuralism to Derrida's deconstructionism, France is today in the midst of what Gilles Lipovetsky has called a "great ideological shift," described more specifically by Pierre Manent as a "liberal revival." In contrast, the American academy remains mired in these very same "isms." Oddly enough, Anglo-American liberalism, which had been victorious over Fascism and Communism on the battlefield, fell almost without a peep to its intellectual opponents within the American academy.

What brought about the change in France is quite complicated, but the broad outlines, described by New York University professor Mark Lilla in his introduction to *New French Thought*,† are clear. The devastation of World War I and the successful prosecution of the Russian Revolution convinced many French intellectuals that liberalism, or the quixotic brand of centralized republicanism then practiced in France, was morally and politically bankrupt. Moreover, the shameful military defeat of France at the hands of Nazi Germany, as well as the extent of French collaboration with their enemies, seemed a permanent black mark on liberalism. However, as Lilla ex-

†Princeton University Press. 230 pp. $14.95.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

plains, a funny thing then happened. The political institutions of postwar France moved steadily in a liberal direction, while its intellectual elite, now thoroughly immersed in the theoretical vocabulary of Hegel, Marx, and Heidegger, moved sharply in the opposite direction. As Lilla notes, this is known as the "German turn," and, with the exception of Raymond Aron, virtually no French political thinker remained immune to it. Meanwhile, by the late 1960s, many of the works of these anti-liberal Continental philosophers were translated into English, beginning what is now their complete ascendancy in the American academy.

However, European and American intellectuals did not long remain on the same ideological wave length. In fact, such remarkable changes occurred on the European front that, as Lilla points out, European intellectuals frequently expressed their "astonishment" that their American counterparts still slavishly aped "a fixed canon" of politically correct Continental authors, which they themselves had abandoned. For a variety of reasons, the intellectual and political events that brought about this liberal turn in French political thought seem unlikely to be repeated here. There is the profound and wide-ranging impact of François Furet's reinterpretation of the French Revolution as the anticipation of a liberal-democratic order, not endless socialist revolution, on French political and intellectual life. This led many French intellectuals to turn away from glorying in the spectacle of revolution and move towards a renewed appreciation of France's liberal tradition (e.g., Constant, Guizot, Tocqueville, etc.). What made this influence possible—the salience of the French Revolution to French political thought and France's sense of national identity—will have no such resonance on this side of the Atlantic.

In addition, for reasons that are hardly clear but lead one to conclude that there is indeed a French way of doing things, French intellectuals long before the cataclysmic events of 1989 experienced what Lilla calls "a profound *crise de conscience*" over the 1974 French publication of Solzhenitsyn's *L'Archipel du goulag*, the genocidal policies of the Khmer Rouge nomenklatura, and the rise of Solidarity in Poland. As Lilla describes, followers of Foucault and his ilk had been under the impression that bourgeois society was akin to a totalitarian concentration camp. But now confronted with flesh and blood concentration camps, they came to see, as Marcel Gauchet once remarked, that structuralism "embraced everything, but explained nothing." As illustrated by the recent controversy

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stirred up in the pages of *Dissent* magazine by Eugene D. Genovese's open "letter to the left," one still listens in vain for a comparable echo of moral indignation by the American Left.

IN France, however, this "*crise de conscience*" sparked a renewed interest in liberal political thought. Princeton University Press has made some of the best of this material available to the American reader with the edition edited by Lilla as well as translations of works by two of France's leading political theorists: Pierre Manent's *An Intellectual History of Liberalism*† and Gilles Lipovetsky's *The Empire of Fashion.*‡ These are engaging books that deserve the serious attention of American readers.

Both books begin with the bold premise that we are not postmodern men yet: As Manent remarks, our current regime remains determined by its origin, and that origin with all "its singularity still dwells in us." However, one theme in particular unites their quite different explorations of the modern project. For all of their differences, both in method and stance towards their subject, Manent and Lipovetsky commit the same error: They identify liberalism's essence with the idea of neutrality. This is, however, a rather late and unfortunate addition to liberal political theory and practice. More about this later.

Manent's history is in many ways a compendium of the fundamentals of Leo Strauss's understanding of the history of modern political philosophy. The complete French title of Manent's *Intellectual History* is *Histoire Intellectuelle du libéralisme: Dix Leçons*. The subtitle is important because it tells us much about the character of this short book. He has not offered us one of those academic tomes that seem more concerned with scoring points against rivals in the academy than with the material itself. Instead, Manent has, in 10 pointed "lessons," taken up the central questions animating some of the major works of modernity. He attempts to show why liberalism developed the way it did and to identify the central question of this political regime, which he takes to be a certain ominous emptiness at its core.

Free for the most part of academic jargon, Lipovetsky has written an eclectic book that moves easily from discussing Tocqueville or Kant to analyzing the impact of the length of ladies' hemlines on our political culture. His central aim is to

†Princeton University Press. 128 pp. $19.95.
‡Princeton University Press. 276 pp. $24.95.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rebut the Marxist, Heideggerian, and Frankfurt School critiques of modern culture by showing that our ephemeral culture is, in fact, a positive phenomenon. While acknowledging the vacuousness of modern culture, Lipovetsky appeals to Hegel's idea of the "cunning of reason" to explain how the irrationality of fashion is transformed willy-nilly into its negation: a more moderate, rational, and mature form of existence.

BOTH books have particular strengths worth highlighting. Of especial interest is Lipovetsky's dissent from certain feminist verities, such as that sexual roles and identities are nothing but social constructions. However, because Lipovetsky is a friend of feminism, he shuns in his analysis of sexual difference any reference to nature (this despite the quite evident pleasure he takes in contemplating and describing the seductive qualities of the fairer sex). But he provides scant comfort to hard-line feminists who insist upon seeing the valorization of feminine beauty (a.k.a. "The Beauty Myth") as some sort of "backlash" against their drive for sexual equality and gender justice. Regarding the rallying cry of those who believe that there is a prejudice known as "lookism"—namely, "Ugly is beautiful!"—Lipovetsky asks incredulously, "Who believes them?" Similarly, feminists might assert that the sexes are alike and that all apparent differences are the product of socialization. But this, argues Lipovetsky, is mere democratic ideology. Though he is at a loss to locate the difference and shy about invoking nature, he knows in his heart that this matter of sex "is not a superficial phenomenon." One would be hard-pressed to find such a confession in the American academy today.

Manent's work, considerably stronger than Lipovetsky's, is filled with remarkable insights into the nature of liberalism. One of the most important, given American conservatives' current emphasis on the need to revivify our civic associations (e.g., families, churches, communities, etc.), is the ultimate futility of such an endeavor. A key concept of modern liberalism is that of representation, the idea that the exercise of power is legitimate only if it is based upon the voluntary and rational consent of those who will be governed by it. This emphasis on consent has the effect of making other sources of power—power that is exercised based upon the "authority" of parents, religious leaders, and the like—seem illegitimate or, at least, less legitimate than power that is exercised by properly elected representatives. This is why there is a "children's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rights" movement in this country: To modern liberals there is something faintly suspicious about parental power, as it is not grounded in consent. Thus it is that the principle of representation erodes the self-sufficiency and power of sub-political units, which are, however, necessary to the health of civil society. This, Manent explains, is the "paradox" of representation: It tends to dominate and atomize the society it claims to represent.

TO return to the central question raised by these two books—the origins of the modern liberal state—we begin where Manent begins, with Strauss's claim that Machiavelli is the "originator of modern political philosophy," that he represents "the first wave of modernity." In order to appreciate the importance of this insight, it will be helpful to consider Lipovetsky's alternative account of the birth of the modern. According to Lipovetsky, the "unique adventure of Western modernity," begun sometime during the mid-fourteenth century, is characterized by the spirit of Prometheus and Proteus. That is to say, what is unique about the modern is the twofold effort to exercise mastery over nature and appearances, thereby affirming human sovereignty and autonomy.

One might go along with Lipovetsky insofar as he has described the condition of modern human beings who live without natural or transcendental guideposts; in other words, modern humans live in a realm of pure neutrality regarding ends. However, Lipovetsky is apparently unable to explain why this change takes place or why it purportedly takes place sometime around 1350; he vaguely refers to "the synergistic interaction of a multitude of factors" but finally follows Gauchet (included in Lilla's collection) in arguing that Christianity is at the root of the birth of the modern.

In brief, this neo-Hegelian explanation has modernity, and liberalism more particularly, as the endpoint of a socio-historical process by which Christianity becomes secularized by realizing itself on earth (and thus, one really ought to add, ceasing to be itself). In this view, such apparently decisively modern "values" as liberty and equality are, in fact, in their origin, "biblical values" that have become divorced from their prior, but unnecessary, dependence upon theology. In opposition to this understanding of the birth of the modern, Manent argues that the main features of "the new politics" were forged "in a bitter fight against Christianity." Certainly, this was the view of the historical actors themselves: Founders of modernity

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

such as Spinoza, Hobbes, and Locke were conscious of their struggle against religion, as were their opponents who branded them atheists.

As the first to make the decisive and deliberate break from Christianity, Machiavelli was, then, much more than a "realist," as a modern prejudice has it; he was, in fact, attempting to establish what he called "new modes and orders." In counseling a prince to learn how not to be good, to focus on image, to use cruelty effectively, etc., Machiavelli was giving more than practical advice. By so boldly asserting the ordinariness, indeed the necessity, of evil, Machiavelli was, Manent claims, attempting to establish "the self-sufficiency of the earthly, secular order."

Those who followed in his footsteps were, in Manent's account, simply carrying out his intention of founding an order immune to the influence of religious opinion. Hobbes did so by appealing to the fear of violent death, as did Locke by appealing to the fear of hunger. Modern liberal societies would be built not upon a particular opinion about the will of (the) god(s) but, explains Manent, upon the "lowly but sound foundation of animal need," viz., fear of violence done to the body either at the hands of others or as a result of the vicissitudes of nature.

A tremendous advantage follows from this move by the moderns. Whereas the ancient polis was racked by the contentions of various parties who had different views of "justice," and the European monarchies were engulfed in religious wars, Hobbes and Locke had found a fail-safe formula for establishing peace on earth. The moderns were able to construct a political entity that was immune to the conflict of opinions over either the meaning of God's will or the nature of the just. (Or as we are apt to say today, the right is prior to the good.)

HOWEVER, the long and bitter "war," as Manent calls it, which was waged by the Enlightenment against religion, raises a fundamental problem—indeed, it might be said to be the fundamental problem—of modern liberal regimes. Modern regimes were formed in the crucible of their struggle against Christian opinion. This war against Christian opinion was eventually solved by creating the separation of church and state, effectively denying Christian opinion access to the levers of state power. This struggle, however, has brought about what Manent calls "the paradox" of a state that, wishing to immunize or neutralize itself against Christian opinion, "is endlessly

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

obliged to deprive any opinion of power." The result is that neutrality is established at the core of the modern state and, Manent observes, "doubt of the good" at the heart of the modern soul.

This happens, according to Manent, because the moderns misunderstood the relation of law to human nature. They thought that establishing a neutral state would emancipate humans from the coercive power of a legally established religion or opinion. This is not the case, Manent asserts, for the neutral state exposes humans to a law that commands neutrality or, more sinisterly, relativism. Where the moderns thought that they were liberating humans from the law, they were in fact merely exposing human nature to a different law, one that transforms humans into sly mockers of the good.

At this point, it is worth turning to Lipovetsky and Gauchet, for, despite differing from Manent in method and assessment of the "goodness" of modernity, they agree with him that modernity has had precisely this effect. They disagree only in celebrating what Manent finds so alarming. According to Gauchet, liberalism fully realizes itself at that point where the human race finds itself "unbounded by 'natural' foundations or 'self-evident' markers." So quickly does modernity turn its back on its early founders, one of whom thought certain truths to be "self evident."

So, too, Lipovetsky, who believes that liberalism culminates in the perfectly neutral state where "the unity of reference points has vanished." The sort of human being that occupies this neutral space bears a striking resemblance to those moderns described by Manent who perpetually wear a "smile of superiority and mockery," only with Lipovetsky the slyness gives way to anxiety. In Lipovetsky's account, the new man might be called "*homo frivolus*": he is a "labile type" who has a passion for novelty at all levels of his existence. However, with the loss of all self-evident truths comes a certain degree of "*tragic lightness*," a certain amount of "existential anguish."

HOW is social unity to be maintained among such a motley crew of free spirits who are alternately filled with irony and anguish? Lipovetsky suggests somewhat naively that we modern liberals have all learned to get along because contemporary mores "are governed by a peaceful relativism." But what is to prevent this relativism from becoming belligerent and cruel? After all, if all values are relative, it is hard to see why liberal values (e.g., tolerance, equality, liberty) should

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have any greater standing than their negation (e.g., prejudice, rank order, coercion). The neutral state, because it cannot distinguish between tolerance and intolerance, must not prefer one to the other. Thus, in the name of freedom and toleration, the American Civil Liberties Union bizarrely declared: Let the Nazis march in Skokie!

The problem with all this is that it has nothing to do with what the founders of liberalism thought they were going about. It is of significance that the term "neutrality," which Manent uses to describe the paradox of the liberal project, was first used not by Hobbes or Locke but by Ronald Dworkin. Locke does not use the term because, in establishing the separation of church and state, he did not think that he was constructing a "neutral state" that would completely emancipate human nature from the coercive effects of the law. Quite the contrary. He thought that he was creating a liberal state in which, as he puts it, humans would be "obliged" to be tolerant and civil towards one another. Opinions, religious or otherwise, that were inimical to the rights of others or the safety of the commonwealth were not to be tolerated. The liberal state, as opposed to its successor, the neutral state, was to be inhabited and fortified by humans who practiced the liberal virtues of civility, liberality, toleration, and humanity. Yes, human nature would be less exposed to the reach of the law than before but hardly free to do as it listeth. Put simply, Locke would not have allowed the Nazis to march in Skokie.

It is, of course, a serious question as to whether a return to the understanding of early modern liberalism is possible. There are reasons, both positive (the intention to expand toleration) and negative (the historicist critique of natural right), that it evolved (or devolved) into what Lipovetsky calls "peaceful relativism" and Manent "authoritarian agnosticism." What is clear, however, is that we can learn a great deal about the potential and the limits of liberalism by grappling with the political theorizing of its greatest founders. In this regard, Princeton University Press has done a great service in making Manent, Lipovetsky, Gauchet, et al. available to an American audience. The intense and serious-minded engagement of the authors in this series with the founding texts of modernity and liberalism might inspire a much-needed and long-awaited reawakening in the American academy.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kill all the lawyers?

CRAIG DANIEL TURK

ONE of the most unfortunate legacies of the American experience in the middle part of this century is the degree to which expectations have been inflated with regard to government's ability to resolve complicated social conflicts. As executive orders, legislative mandates, and court rulings came down to the people from on high, imperatives of individual responsibility were gradually abandoned. And as federal action replaced personal obligation, "citizenship" was redefined with an expanded conception of privilege and a greatly reduced understanding of duty.

Like a rubber band that has been over-stretched, the integrity of the notion of citizenship is exceedingly difficult to restore. Thus, it is not surprising that the instinctive reaction to the identification of a social dysfunction is to search for some formalistic salve. In *A Nation Under Lawyers*,† Harvard Law School professor Mary Ann Glendon surveys the current crisis in the legal profession, explicating the particular problems extant at the bar, on the bench, and in our law schools. Rejecting facile answers, she insists that reformation is possible only through a nuanced appreciation for the origins of these problems.

America, Professor Glendon explains, is a fundamentally legalistic society. For over two hundred years, our passion for liberty, justice, and self-government has been manifested in an unwavering respect for the law, law that has been applied as easily to the president of the country as to the commonest criminal. The practitioners of this law have accordingly been entrusted with fulfilling our most important responsibilities: 31 of the 55 delegates to the Constitutional Convention were lawyers; 23 of our 41 presidents have been lawyers; a majority of our current congressmen and cabinet officers are lawyers.

†Farrar, Straus and Giroux. 331 pp. $24.00.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Even some of our greatest fictional heroes, from Atticus Finch to Perry Mason, have been upstanding members of the bar. Glendon contends, however, that the manner in which law is practiced has changed for the worse over the last 30 years. Morals have taken second place to money, while the wise counselor has been shoved aside by the "Rambo" litigator.

THE signs of the decay are clear: the prevalence of once-forbidden attorney advertising, the increasing acceptability of contingency-fee arrangements, the decrease in job security even among partners, and the end of lockstep compensation. There has been a corresponding explosion of litigation, with filings in federal courts having tripled between 1960 and 1990. Activating these changes, Glendon suggests, has been the full entry of the legal profession into the free market.

For years, law was practiced within a false economy—big companies loyally lavished a single firm of choice with all of their legal business; the heads of firms took care to assure all of their associates stable, well-paying positions, even "carrying" less-able lawyers who were unlikely to ever make partner; and a gentlemanly reserve, placing a high value on corporate and contract work and frowning upon actual courtroom activity, prevailed. The cost of maintaining such a system eventually became too high for even the wealthiest consumers, and the "golden days" of law drew to a close.

Law firms that had grown used to supporting certain inefficiencies, not to mention expensive perquisites, on the backs of their corporate patrons were dismayed when these clients began to shop their business around to other firms to find competitive pricing. For less specialized work, many companies began to use "in-house" counsel, which provided basic legal services at a fraction of the price charged by big firms. The ethics that had long dominated the legal profession were soon ignored as the industry was destabilized. Suddenly, there was intense competition for business; lawyers who were not contributing enough to their firms began to be eliminated, and "rainmakers"—attorneys able to bring in business—were at a premium. The abiding aversion to litigation fell away from the practice of law as attorneys began to scramble to survive.

The most basic feature of the consequent change in the profession, Professor Glendon points out, has been the shift in roles among lawyers from "officers of the court" to uncritical advocates. Once respected and depended on to give sound advice in difficult situations, economic considerations and hu-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

man nature conspired to relegate most lawyers to the status of functionaries. In easier times, a good attorney could give a client sound legal advice, regardless of what the client hoped to hear. Today, few attorneys can afford such candor; "client loyalty" is sovereign. In the now-competitive marketplace of legal services, attorneys are sought out simply for their ability to win cases.

The idea of some shared moral compass to guide the practice of law has little currency now, and the informal understandings on which the profession was long based are all but ignored. Today, complains Glendon, "ethical agility" has supplanted informed reason as the most important survival trait among lawyers. Unheeded has been Roscoe Pound's caution that law is "no less a public service because it may incidentally be a means of livelihood."

It is important to realize that this is a relative change; the bar has always harbored its share of hucksters and apostates. Glendon's point is simply that the exception has begun to overtake the rule. As she makes clear, the sense of decline in the field of law is uncomfortably palpable. What is not clear, however, is why the imposition of market discipline on the legal-services industry caused such a significant moral crisis. Leaner should not necessarily imply meaner, particularly in a profession with a strong sense of public duty and a strict, self-imposed code of ethics.

The cause is not unfamiliar: unintended consequences. In the process of democratization, the shedding of tradition necessarily restructured the way law was to be practiced. New lawyers with new concerns established new rules. The negative effect that these new rules have had on the bar simply need to be weighed against the positives associated with greater egalitarianism and economic discipline.

THE second sphere of the legal world, the judiciary, is no less troubled. Professor Glendon reminds us that the Founders cited the regular administration of justice as "the great cement of society." Recently, fissures in that cement have appeared and are spreading rather rapidly. She argues that the problem is basically one of philosophy, a struggle between the forces of "classicalism" and "romanticism" over control of the nation's courts.

Since the *Brown v. Board of Education* decision, Glendon asserts, there has been a substantial reevaluation of what it means to be a judge and of what the role of courts in our

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

society should be. The classical conception of justice holds that the role of the judge is to determine what the law is; the increasingly popular romantic understanding encourages judges to tell us what our values should be. Glendon admits that

> there was no reason to think that the school desegregation cases would be followed by extensive judicial foreclosure of local self-determination on matters ranging from defamation, the details of capital punishment, and exclusion of evidence obtained in warrantless searches to pornography, abortion regulations, Christmas displays, and school curricula.

Unfortunately, however, the ameliorative power of *Brown* was used to justify politically motivated judicial activism rather than taken as an individual example of justice done. A continued reliance on the courts to enact a particular social agenda has ensured that "every advance of individual and minority rights is at the expense of another core constitutional value: democratic decision making."

Thus, the Warren Court paved a slippery slope. The use of the courts to win "justice" for certain aggrieved groups sacrifices the essence of democracy. The potential for individual political action—democracy at work—is blunted by an appeal to a centralized institution—the court system. This overriding of self-rule should not be misconstrued as a method of last resort for obtaining justice; it has become the preferred channel of many groups for a relatively quick social fix.

THE "new faculty," as Professor Glendon calls it, has brought these same ideals into our nation's law schools. One of the most worrisome threats to the integrity of legal education, according to Glendon, is the appearance of radical ideological movements on campus. The problem is most evident in the rise of "advocacy scholarship," defined as research conducted in the specific service of a political ideal. Generally condoned by the new faculty, such work perverts the concern for balance that defines serious scholarship and undermines the legitimacy of the academy as a whole.

The groups promoting these activities, espousing philosophies like Critical Legal Studies, recklessly slay any sacred cow that they can catch. Their suggestions run from a wholesale reevaluation of constitutionalism as the basis for our legal system to job rotation at the law schools, whereby janitors, secretaries, and professors would alternately take on each other's positions. Such absurdity has served primarily to underscore

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the point to which things have degenerated on campus, causing a former dean (quoted by Glendon) to observe that our law schools are faced with "a moral relativism tending toward nihilism, a pragmatism tending toward an amoral instrumentalism, a realism tending toward cynicism."

In the wake of such enervating observations, the hope for a formalistic solution that will save the bar, the bench, and the law schools is not strong. The loosening of commitments—to ethical practice, restrained judging, and conscientious scholarship—has unmoored the legal world from its moral foundations. To her credit, Glendon resists offering a panacea and lets the depth of her insights suggest the nature of the needed reforms. Her lucid, engaging assessment of the crisis in law constantly steers the instinctively external, institution-oriented search for answers back to the appropriate level, that of the individual. Ultimately, the problem in law is merely symptomatic of the larger problem that exists in society: the need to revivify our sense of individual and professional responsibility.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Charitable prescriptions

HEATHER R. HIGGINS

CHARITY is never a simple matter, as James T. Bennett and Thomas J. DiLorenzo demonstrate in *Unhealthy Charities: Hazardous to Your Health and Wealth.*† The authors look at the practices of health charities by examining in detail the operations of the American Cancer Society (ACS), the American Lung Association (ALA), and the American Heart Association (AHA). They contrast these public paragons with the recently disgraced United Way of America and, in reviewing the particulars of the various organizations' practices, conclude that what may be rotten is not necessarily a particular organization but the environment in which such organizations operate.

The crucial questions are whether the problems detailed by Bennett and DiLorenzo are systemic, and what can be done to change incentives in order to redirect organizational behavior. There is, after all, a serious structural deficiency within most nonprofit organizations: no accountability. As the authors point out, unlike market-based organizations, there are no shareholders concerned with keeping expenses down, no professional analysts or venture capitalists who assess the operations dispassionately and rigorously, and no true consumers to act as critical market-testers by deciding whether to pay for services. Unlike government, there are no voters to elect someone else, little media scrutiny (who wants to be a Scrooge and go after a charity for minor infractions?), and negligible pressure from public opinion.

Rather, service recipients are not the revenue sources, donors often give for emotional reasons, and self-perpetuating boards-of-directors serve without compensation and on a part-time basis. These boards have no incentive to rock the boat and generally let activist health professionals dominate their

†Basic Books. 256 pp. $25.00.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

organizations. In the authors' view, there are parallels to the poverty industry, where there always has to be a problem of some sort so that the organization never has to go out of business. As an example, they cite the numerous name changes many of these organizations have undergone over the years—a tacit admittance that the problem they were focused on had disappeared (e.g., polio or tuberculosis).

This lack of accountability among non-profits is abetted by exceptionally fuzzy accounting, permitting practices such as counting the cost of providing a service as part of the service itself. (For example, if you provide $90 to the community at a cost of $10, and I provide $10 to the community at a cost of $90, we both show the community getting a service with a cost of $100.) Another tactic is the arbitrary allocation of expenses. (For example, if you put a little bit of "public education" information on a fund-raising mailing, you can classify the whole expense as "public education.") Thus, fund-raising becomes "public education," salaries and lavish perks get classified as "program services," and organizations that spend over half their money on staff claim to be "volunteer."

THOUGH some of the book's charges are somewhat hyperbolic, the primary points are well-documented:

(1) The alarmist fund-raising rhetoric of the big charities is misleading; in fact, they hold millions of dollars in reserve assets and are not as financially desperate as they assert.

(2) They claim to be volunteer organizations, yet compensation often constitutes more that 50 percent of their expenditures, particularly within state affiliates.

(3) They boast of helping victims of disease, yet most engage in little or no direct assistance; much of their money is spent funding high-income health-care professionals.

(4) They offer lifestyle advice that is at best simplistic, at worst wrong and potentially harmful.

(5) They imply that they do direct research when, in fact, those research dollars are spent in seed grants to assist researchers in obtaining larger grants from the National Institutes of Health. Further, as boards of charities, hospitals, research facilities, and government institutes tend to be fairly incestuous, that research tends to be orthodox and conformist.

(6) The watchdog groups that monitor charitable organizations are so small that they are compelled to monitor only the larger, more established organizations. In doing so, they use the organizations' own data, which can be obscurantist, and,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by omission, they stigmatize groups which are not reviewed.

(7) The large organizations are antagonistic to competition, even deriding newer or smaller organizations as "quacks," or using political clout to push the competition off the scene.

The first complaint—that reserves are excessive—makes sense considering that the purpose of charities ought to be to alleviate suffering now. Besides, even private firms don't keep a cash cushion large enough to cover all of next year's expenses. Indeed, the increase in the net worth of some of these charities is astonishing: ACS 1981: $232.4 million, 1991: $491.7 million; AHA 1981: $22 million, 1991: $264.6 million; ALA 1981: $88 million, 1991: $136.2 million.

While Bennett and DiLorenzo are correct in noting that these reserves and investments are excessive, it also should be acknowledged that, for an ongoing organization that realistically is not going to go out of business next year and which has known commitments to personnel, programs, and grantees, having reasonable reserves is only prudent. There is serious debate, however, over how large an endowment is ethically permissible.

Bennett and DiLorenzo delight in exposing the inherent contradiction in the "public education" efforts of these organizations. These are the same organizations that beg for research funds because so little is known, yet purportedly spend large sums of money teaching the public what the doctors themselves don't know or understand. As an illustration, death rates from cancer have been rising despite years of massive education efforts, indicating, according to the authors, that the numbers of those educated are exaggerated and that the education itself doesn't seem to help. They deride the simplistic lifestyle crusades of these organizations, detailing the potentially negative health consequences of specific recommendations regarding low-salt, -fat, and -cholesterol diets, and condemn the fads involving butter, oat bran, olive oil, eggs, coffee, and even exercise.

Bennett and DiLorenzo criticize what are, ultimately, self-serving campaigns (e.g., "see your physician for regular check-ups" or "have mammograms early and often") that are of dubious medical value and are mainly of benefit to the medical establishment. The authors state, perhaps somewhat harshly:

> Induced phobias generate donations for health charities, patients for physicians, and a ready market for prescription drugs, medical procedures and tests, and hospital stays. Thus, public education

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is about fund-raising and disease mongering far more than it is about informing the public.

One has to wonder, however, whether the extensive anti-smoking campaign by the ALA did, in fact, have substantial effects on people's decisions about smoking, just as Nancy Reagan's "Just Say No!" anti-drug campaign seems to have generated considerable results. Though the authors are right that more should be allocated directly to helping the sufferers of disease, there is also a legitimate role for private organizations in creating public awareness and shaping public opinion.

THE authors get into some trouble on the issue of professional education and research. Regarding the former, they condemn as a reverse transfer the solicitation of funds from primarily lower-income donors, which are then supposedly used to subsidize the continuing education of higher-income medical professionals. Yet, the authors demonstrate that the conferences attended by medical professionals are actually not subsidized but rather a net source of revenue to these organizations (they charge fees to the attendees). Not seeing the contradiction, Bennett and DiLorenzo proceed to assert that "charities should do those things *and only those things* that for-profit firms and government *cannot* do or will not do ... commercial activity is inappropriate in that it takes attention and resources away from the organization's charitable mission."

Regarding government's role, the question is not can government do it, but can it do it better and ought it be doing it at all? Regarding the propriety of commercial activities, if we wish to live in a society filled with strong mediating institutions and voluntary organizations, developing sources of revenue outside of straight solicitation is very important, whether through Girl Scout Cookie sales or, as in Eastern Europe in the early 1980s, running gas stations to support *samizdat* publications. Finally, there is the ripple in the pond principle: If you teach the teachers, then they will teach the pupils for you. This enables an organization that is on a limited budget to reach a much wider audience than it otherwise could.

On the research issue, the authors are correct that most of the funding goes to seed grants, which then enable researchers to get large grants from the NIH, thus leveraging the dollars of the donor organizations. It is also true that there is a tendency to support conventional researchers at established

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

institutions and to punish those who stray from orthodoxy. (Witness the cancellation of unrestricted NIH funding for Dr. Peter Duesberg when he questioned the HIV-AIDS hypothesis and attacked the efficacy of AZT—two of his reviewers were involved in the formulation of the HIV hypothesis and had a substantial financial interest in AZT's success.)

The problem is not that there are bad people running these organizations; almost anyone sitting on the board of such an organization would do the same thing in this environment. The problem is having centralized government funding in the first place. Reallocate the dollars, disperse the authority, create competing funding sources, and all these problems and false incentives will be instantly mitigated.

WHAT is to be done? The book's concluding chapter offers only two suggestions: reduce public and professional education while increasing direct patient services, and implement "sunshine" laws, which allow the examination of financial records, including such items as expenditure receipts. Fortunately, there are other, better suggestions sprinkled throughout the book, such as the creation of community clinics with federal "Good Samaritan" laws that exempt volunteers from liability and thus encourage participation. Another idea the authors may want to consider is changing the accounting rules and conventions directly, particularly regarding the allocation of administrative and fund-raising expenses, as well as disclosing staffing by volunteers rather than professionals, since most individuals and organizations will have neither the luxury nor the desire to examine a nonprofit's receipts.

We are living in an "Age of Good Intentions," which assumes that men are perfectible, that science can conquer nature, and that, with sufficient will, we can overcome any problem. Though this era has been defined by a spirit of progress and volunteerism, it has, in its excesses and enthusiasms, inhibited us from criticizing the well-intended. Charities are like any other organization—they can be run well, and they can be run poorly. If we have a moral obligation, it is to examine them honestly and help make them run as effectively as possible. To that end, we should heed the recommendations for improvement suggested in *Unhealthy Charities*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Meritocracy defended

JOHN W. BARRY

A RECENT and welcome addition to the burgeoning anti-"political correctness" canon is *In Defense of Elitism*,† by *Time* magazine culture critic William Henry, III, who died this past June. Henry has written an intelligent, persuasive book, in places perhaps unnecessarily vitriolic but, by and large, a thoughtful critique. Moreover, he does not limit himself to PC but challenges us to reevaluate some of the basic ideas that pervade American society.

In Defense of Elitism begins with the simple premise that all the major public-policy debates of the last half-century have been fought between the forces of elitism and egalitarianism, and that the latter have been winning far too often. This arises from a few basic notions, which most people unthinkingly and uncritically adopt: that all people are basically the same; that the common man is unerring and needs no intermediaries; that self-expression and self-esteem are more important than objective achievement; and that a good and just society ought to spend more of its time and energy propping up the "losers" than in encouraging the "winners."

Henry believes that in our fear of elitism, we have lost sight of its benefits. In doing so, we have blinded ourselves to a few simple facts about human beings and their essential nature:

> that some people are better than others—smarter, harder working, more learned, more productive, harder to replace. Some ideas are better than others, some values more enduring, some works of art more universal. Some cultures, though we dare not say it, are more accomplished than others and therefore more worthy of study. Every corner of the human race may have something to contribute. That does not mean that all contributions are equal.

For those who are still unclear about Henry's point, allow him

†Doubleday. 212 pp. $20.00.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to clear it up: "It is scarcely the same thing to put a man on the moon as to put a bone in your nose."

STATEMENTS like this might easily be dismissed as the rantings of a conservative malcontent (the opinion of Brent Staples of the *New York Times*, among others), but, as Henry himself notes, he was no conservative. In fact, he had the very finest liberal credentials—he was a lifelong Democrat, a self-proclaimed card-carrying member of the ACLU, and the recipient of a number of awards from civil-rights groups.

Henry, it seems, like a small but growing number of other liberals, has noticed that good intentions do not always lead to good ends. As most people know from their everyday experiences, the noxious egalitarianism that Henry describes is not some obscure ideological notion that is only of interest to intellectuals and academics. Henry does not restrict himself to general criticisms, spending entire chapters discussing what egalitarianism has wrought throughout society, in the schools and in the workplace, in our entertainment and leisure, in our language. Some of the stories he tells will be familiar to readers of the PC literature, though Henry, armed with prodigious polemical skills, gleans fresh insight into the ramifications of these issues.

He traces a good part of this change in attitude, in social, political, and cultural terms, back to the sixties, beginning on college campuses, generally in protest against authority and, more specifically, the Vietnam War. Obviously, this is hardly fair, or very nuanced. Many other forces also were at work here, including the overall decline in the American system of education, and the more general cultural shift, as described by James Q. Wilson, underway for the better part of the last two centuries, that features "the emancipation of the individual from the restraints of tradition, community, and governments." With this in mind, it is difficult to blame all of our cultural pathologies on the youthful experiments of hippies and baby boomers.

Following World War II, the doors to the universities were thrown open, essentially for anyone who wanted to go and who could fulfill a few basic requirements. In Henry's mind, there have been few social forces that were more willfully egalitarian. The effect has been to blur the distinction between the commonplace and the distinguished. It has also provided fertile ground for pseudo-scholarship based on dubious ideas about gender and ethnicity. The worst legacies of these changes are

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the evolving nature of what is taught, from what professors want to teach to what students think they want to learn. Henry comments that President Clinton refers to spending on education as an investment in human capital. If this is so, "it seems reasonable to ask whether the investment pays a worthwhile rate of return." If it does not, do we devalue everyone's education, with the result that it becomes "a credential without being a qualification, required without being requisite"?

TO counter this devaluation, Henry proposes a radical solution: reduce the number of kids who go to college from 60 percent to 33 percent, perhaps over a span of five years; and eliminate tenure, which promotes the self-interest of professors over the well-being of students, to be replaced by set-length contracts, to be renewed (or not) based upon professionalism and performance. Before the reader can conclude that Henry is either hopelessly naive or completely deranged, he sadly admits that he doesn't really believe that his proposal might actually be adopted.

> America is in the grip of an egalitarianism so pervasive that low grades are automatically assumed to be the failure of the school and the teacher and perhaps the community at large—anyone but the student himself. We insist on saying that pretty much everyone can learn, that it's only a matter of tapping untouched potential.... Ultimately it is the yearning to believe that anyone can be brought up to college level that has brought college down to everyone's level.

The lower schools have been just as proficient as the universities at dumbing everyone down. This is due, in part, to the decline in the attitudes and skills that children bring to the classroom, forcing teachers to spend more time playing nanny; the decline in the rigor of the work that is demanded of them; and the politicization of the curricula at the expense of the "basics." Though some of this has it roots in the home, where the influence of television, among other things, is so pernicious, it is also the case that, once in school, they are no longer grouped by ability, on the theory that the bright ones ought to be helping the not-so-bright ones instead of striving to reach their own potential.

The civil-rights movement, once a powerful force for positive social change, has also been poisoned by egalitarianism. There can be no doubt that the original goals of the movement were admirable and that they deserved far more support than

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

they received. But it is also now true that in our egalitarian zeal to make up for past injustices, we have created a society more polarized then ever. Federal labor laws explicitly require discriminatory hiring of minorities, often with lesser qualifications, over whites, under the rubric of "affirmative action." The implicit promise of these programs is that all people are of equal talent and ability, and that on some future day, when minorities and women are represented in the same percentages in the workforce as they are in the population, the policies will be withdrawn. From experience, we know that that day is a long way off. Henry tellingly notes that the real victims are not the whites who are deprived of jobs in the name of diversity but the qualified, capable minority whose every accomplishment is viewed with suspicion.

This taste that Americans seem to have for self-flagellation is also on view in the way that society has caved-in to the demands of feminists. Henry believes this to be a mistake. Today, women are represented in nearly all the major professions (Henry cites copious statistics on this point), and while they may not be proportionally represented in upper management, that is surely only a matter of time. There are, however, those feminists who seek to de-legitimize and rewrite history, to create a history of women (womyn) that is independent of the historical male dominance in higher culture. On this point, Henry is devastating:

> The unvarnished truth is this: You could eliminate every woman writer, painter, and composer from the caveman era to the present moment and not significantly deform the course of Western culture.... This does not mean women are inferior. It simply means they didn't have the opportunity. There should be no shame in this for modern women....

Egalitarianism, as Henry describes it, has perhaps done the most harm among what used to be called the poor but is now described as the "underclass." The roots of this tragedy began in the 1930s with the New Deal, while new kindling was tossed into the fire with Lyndon Johnson's war on poverty. What originated as temporary assistance for the needy, as charity particularly for widows and orphans, became an entitlement, a means for creating a more egalitarian society. But by giving away this money and demanding nothing in return (work, good behavior, etc.), we have created a significant group of "Americans for whom America has no meaningful place."

Many people, particularly political liberals, try to frame this

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as a problem of race. But, as Henry points out, in recent years, blacks have been doing quite well: Between 1980 and 1988, the black middle class grew by a third, and black employment and family income grew at a much faster rate than it did for whites. Clearly, this is a problem of values, and the solution is "to accept the elitist dictum that some values ... are better than others, and should be encouraged."

ONE wants to ask Henry: "What is to be done?" Here, sadly, he is not of much help. The few suggestions that he makes, he usually admits within a few paragraphs, are not realistic. But I think Henry has it right: "A fair society is one in which some people fail—and they may fail in something other than precise, demographically representative proportions.... To speak in defense of elitism is not to tilt the balance of national life, but to seek to restore it." And that is, ultimately, reasonable—although perhaps a bit wistful.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

RICHARD D. ALBA is professor of sociology and public policy at the State University of New York at Albany and author of *Ethnic Identity: The Transformation of White America.*

HADLEY ARKES is Edward Ney Professor of American Institutions at Amherst College and author of *The Return of George Sutherland.*

JOHN W. BARRY is assistant editor of *The Public Interest.*

WALTER BERNS is professor emeritus at Georgetown University and resident scholar at the American Enterprise Insititute.

DAVID BROOKS is features editor of the *Wall Street Journal.*

HUGH HECLO is Robinson Professor of Public Affairs at George Mason University.

HEATHER R. HIGGINS is executive director of the Council on Culture and Community and senior fellow at the Progress & Freedom Foundation.

CHARLES LOGAN is professor of sociology at the University of Connecticut and author of *Private Prisons: Cons and Pros.*

BRUNO V. MANNO is senior fellow at the Hudson Institute and was assistant secretary of education during the Bush Administration.

STEVEN OZMENT is McLean Professor of Ancient and Modern History at Harvard University.

ROBERTA ROMANO is Allen Duffy/Class of 1960 Professor of Law at Yale Law School and School of Management and author of *The Genius of American Corporate Law.*

PHILIP SELZNICK is professor emeritus of law and sociology at the University of California, Berkeley, and author of *The Moral Commonwealth.*

ROGER STARR is a contributing editor to the *City Journal.*

CRAIG DANIEL TURK is managing editor of *The Public Interest.*

ANNA DAY WILDE is a senior at Harvard College, where she recently finished her term as associate managing editor of the *Harvard Crimson.*

ADAM WOLFSON is executive editor of *The Public Interest.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Noteworthy Articles From *The Public Interest*

(back issues are available for $7.50 each)

A Nation of Cowards
Jeffrey R. Snyder
in Number 113

Does Welfare Bring More Babies?
Charles Murray
in Number 114

Execution by Quota?
Stanley Rothman & Stephen Powers
in Number 116

A De-Moralized Society
Gertrude Himmelfarb
in Number 117

A Symposium: The Question of Black Crime
John J. DiIulio, Jr.
Comments by:
Glenn C. Loury, Paul H. Robinson, Richard T. Gill, Patrick A. Langan, & James Q. Wilson
in Number 117

A Reply: White Lies About Black Crime
John J. DiIulio, Jr.
in Number 118

Immigration and the American Future
Nathan Glazer
in Number 118

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Forthcoming in our Fall 1995 Issue:

Thirty Years of

THE Public Interest

1965-1995

To celebrate the thirtieth anniversary of *The Public Interest*, we have invited some of our most distinguished contributors to reflect on the past three decades. Featuring essays by:

Daniel Bell
Nathan Glazer
Samuel P. Huntington
Leon R. Kass
Charles Krauthammer
Irving Kristol
Seymour Martin Lipset
Glenn Loury
Daniel Patrick Moynihan
Charles Murray
Roger Starr
George F. Will
James Q. Wilson

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED